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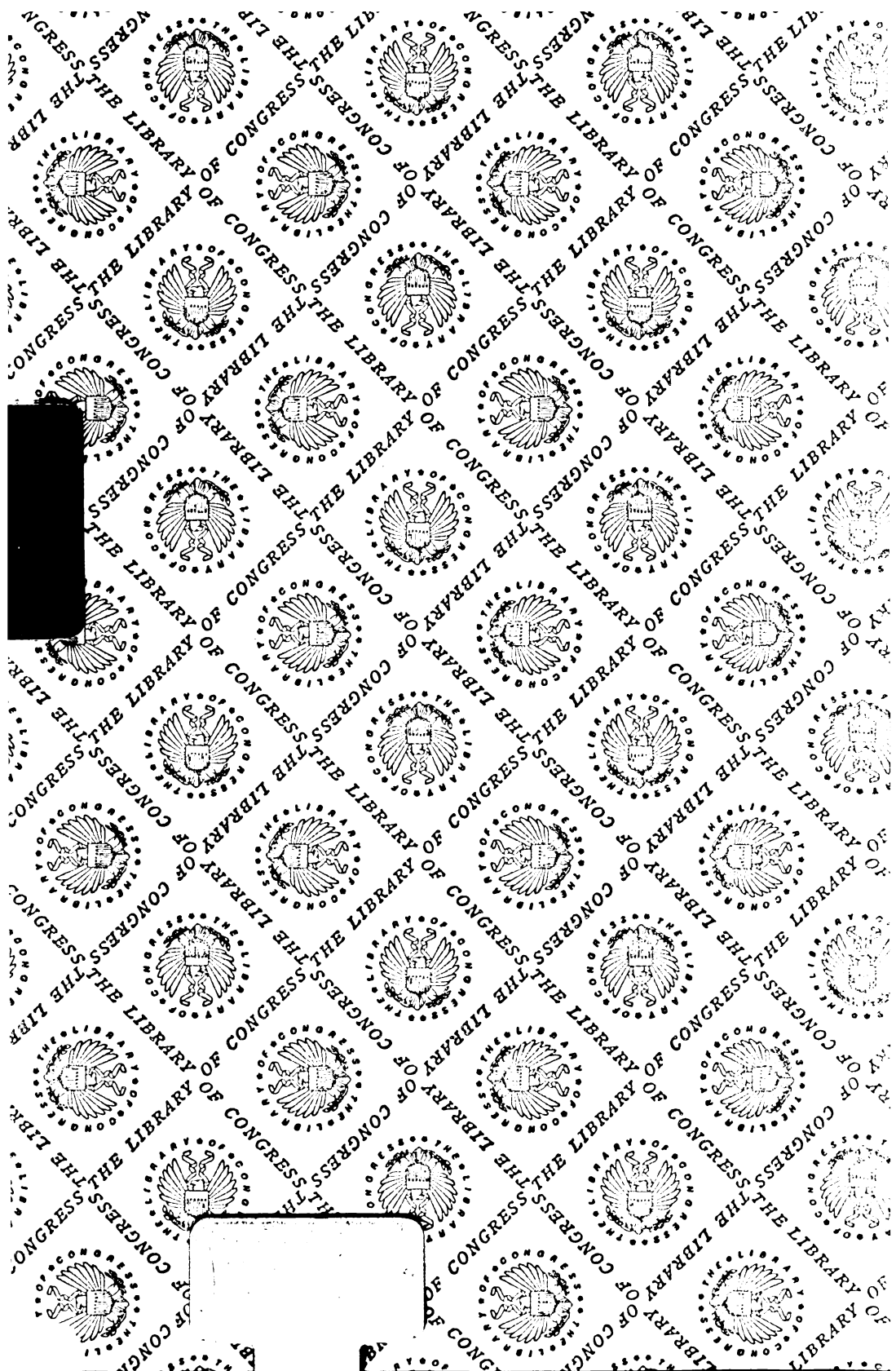
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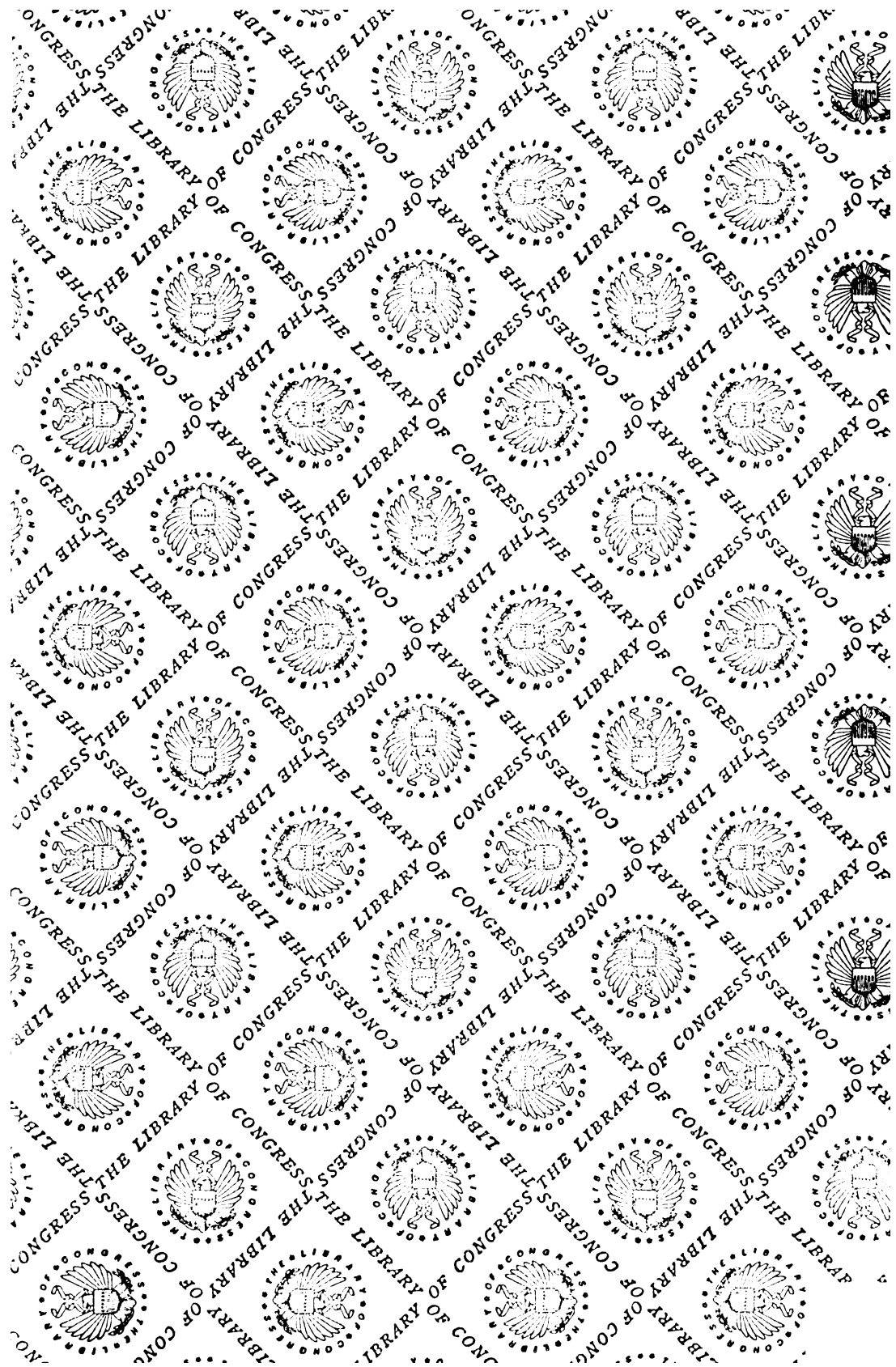
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HEARINGS

ON

H. R. 18464, FOR HOMESTEADS OF SIX HUNDRED
AND FORTY ACRES WITHIN CERTAIN
LIMITS IN THE STATE OF
SOUTH DAKOTA;

ALSO ON

H. R. 18787, FOR A CERTAIN AREA WITHIN THE
STATE OF COLORADO.

U. S. Congress House

COMMITTEE ON PUBLIC LANDS,

JANUARY 16, 18, 20, 25, AND FEBRUARY 1, 1905.

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HEARINGS ON H. R. 18464 AND H. R. 18787.

COMMITTEE ON PUBLIC LANDS,
January 18, 1905.

A BILL [as finally reported by the committee] to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after four months after the approval of this Act entries made under the homestead laws in the State of South Dakota, west of the Missouri River and not within forest reserves or other reservations, may equal but shall not exceed in area six hundred and forty acres, and shall be as nearly compact in form as possible, and in no event over two miles in extreme length nor more than one mile in length along the course of a stream of water: *Provided*, That there shall be excluded from the operation of this Act such lands within the territory herein described as in the opinion of the Secretary of the Interior it may be reasonably practicable to irrigate under the national irrigation law or by private enterprise, and that said Secretary shall, prior to the date above mentioned, designate and exclude from entry under this Act the lands which in his opinion it may be practicable to irrigate as aforesaid, and shall thereafter from time to time open to entry under this Act any of the lands so excluded which upon further investigation he may conclude can not be practically irrigated in the manner aforesaid: *And provided*, That the lands in Gregory County, South Dakota, opened to settlement under and by virtue of the Act of Congress approved April twenty-third, nineteen hundred and four, shall not be subject to the provisions of this Act.

SEC. 2. That a former homestead entry shall not be a bar to an entry under this Act of a tract which together with the former entry shall not exceed six hundred and forty acres, and any homestead settler within the territory above described, whose claim has not passed to final entry at the time this Act shall become operative, may have the privilege of relinquishing such claim, and may thereupon make a new homestead under this Act of not to exceed six hundred and forty acres.

SEC. 3. That a settler under the homestead laws of the United States, within the territory above described, who owns and occupies the land heretofore entered by him or whose claim has not passed to final entry may, under the provisions of this Act and subject to its conditions, enter other lands contiguous to his homestead entry which shall not, with the land already entered, owned, and occupied, exceed in the aggregate six hundred and forty acres; and residence upon the original homestead shall be accepted as equivalent to residence upon the additional land so entered, but final entry shall not be allowed of such additional land until five years after first entering the same. Any former homestead settler whose entry was made prior to January first, nineteen hundred and five, and who shall be entitled to an additional entry under this section shall have, for thirty days after the homestead provisions of this Act become operative, the preference right to make such additional entry, and all conflicts under the preference right hereby conferred shall be equitably adjusted by the Secretary of the Interior.

SEC. 4. That the fees and commissions on all entries under this Act shall be uniformly the same as those charged under the present law for a maximum entry at the minimum price. That the commutation provisions of the homestead law shall not apply to entries under this Act, and at the time of making final proof the entryman must prove affirmatively that he has resided on the land continuously for five years and has placed upon the land entered permanent improvements of the value of not less than one dollar and fifty cents per

acre for each acre included in his entry, which improvements must be made to the extent of at least thirty cents per acre per annum and proof thereof made to the local land office each year under such regulations as the Secretary of the Interior may prescribe in that behalf: *Provided*, That improvements made in any one year and proof thereof as required by such regulations in excess of thirty cents per acre per annum shall apply on the requirements for subsequent years: *Provided further*, That when a homesteader under the provisions of this Act shall have served as a private soldier or officer in the Army, Navy, or Marine Corps of the United States during the war of the rebellion, or during the war with Spain, or the Philippine insurrection, and shall have been honorably discharged, the time which such homestead settler has so served shall be deducted from the time hereinbefore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time herein required to perfect title without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least three years after he shall have commenced his improvements.

Committee called to order at 10.45 a. m.

The CHAIRMAN: The committee will take up House bill 15557, introduced by Mr. Martin, to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota, and will proceed informally. Senator Gamble is here and desires to be heard.

Mr. MARTIN. Mr. Chairman, as Senator Gamble is obliged to attend another committee meeting I will ask that he be permitted to proceed first.

STATEMENT OF THE HON. ROBERT J. GAMBLE,

a Senator from the State of South Dakota.

Senator GAMBLE. Mr. Chairman and gentlemen of the committee, this is a matter in which the delegation, as well as the State itself, is very much interested. Mr. Martin will explain the provisions of the bill, although I understand that the committee is quite familiar with it. I want to state that I have been a resident of the Territory and of the State of South Dakota for upward of twenty-nine years, and am conversant with its conditions generally, over and about the State so that I should know something of this measure in its relation to the State. In what I have to say I think I will confine myself largely to the great Sioux Reservation. The Black Hills Reservation, which under the treaty of 1879 was ceded, is more adjacent to the home of Congressman Martin.

The CHAIRMAN. I suppose it would not be inconvenient for you to be interrupted from time to time in relation to the details of this bill?

Senator GAMBLE. Not at all.

The CHAIRMAN. Of course we are all familiar with the general proposition and the purposes set forth in the bill; but I understand that this bill provides that from and after sixty days after the approval of the act that it shall take effect as to all lands west of the Missouri River in South Dakota, with the proviso that there shall be excluded from this act such land as, in the opinion of the Secretary of the Interior, may be irrigated under the national irrigation law or by private enterprise. Now, do you think that it is possible that the Secretary of the Interior could in sixty days carry out those provisions?

Senator GAMBLE. We were in consultation with Mr. Newell and the board of engineers that were recently here, and it was suggested by Mr. Newell in the interview that we had with him upon that subject that possibly the time was a little limited; but whatever in the judgment of the committee would be the proper time, so as to give abundant opportunity to look over the lands and reserve that which would be set apart for national irrigation and private enterprise, would be entirely satisfactory to us. We have no disposition, Mr. Chairman, to withhold anything that would be desirable for irrigation, either in a private way or by the National Government; so if it was thought wise that an extension be given in that way of sixty days I am sure it would be entirely satisfactory to us, and I think I can include Mr. Martin.

Now, I have before me a map of the State of South Dakota, and you will see from it as I hold it up that the Great Sioux reservation extends west of the Missouri River, as I indicate here, to the north boundary of the State, and the data as given by the Department as to the area within that reservation is, I think, 8,550,000 acres. From a recent report which I have from the Secretary of the Interior, a report that I received on Saturday—and I will say that there has been considerable delay in having the survey made, as we are anxious that arrangements should be made in regard to the payment of the Indians for this occasion—I find from that report that it shows instead of 8, 550,000 acres that it embraces 9,274,000 acres.

Mr. MARTIN. Is that the area that was opened by the treaty of 1889?

Senator GAMBLE. Yes; there was a treaty entered into between the Sioux Nation and the Government in 1889. That was modified by an act of Congress, and passed practically in the form of that act, which provided that it should be referred to the Indians, and it was agreed to by them by a three-fourths vote. That was the act of March 2, 1889. That agreement was secured with the Indians, and the act provided that if the facts were found to be as required, then by proclamation of the President it should be declared open on the 10th day of February, 1890. So, then, this reservation, embracing upward of 9,000,000 acres has been open to settlement for practically fifteen years. I have the data here from the different land offices at Pierre, at Chamberlain, and at Rapid City. They do not pretend to give an accurate statement of the land upon which final proof has been made and upon which the filings are still pending, but as nearly as can be estimated it shows that final proof has been made on 687,000 acres, and that pending filings still remain upon 1,382,000 acres.

The CHAIRMAN. Does it appear from that that almost 600,000 acres of that 1,300,000 acres was filed upon within the last twelve months?

Senator GAMBLE. No, sir; that is within fifteen years.

The CHAIRMAN. As a matter of fact I am calling your attention to the fact that while that was true as to the fifteen years, that within the last twelve months 3,600 and some odd filings have been made, showing that nearly 600,000 acres have been filed on within the last calendar year, or an amount equal about one-half the unpatented lands. That is reported to me from the land office.

Senator GAMBLE. There is no doubt but that there has been more land filed upon during the last three years than during the preceding

time. I think the Chamberlain office did not give me that data, but the Pierre office and the Rapid City office did give it to me; but it is compiled in such form—

Mr. NEEDHAM. Senator, would not the fact that there had been more filings in the last three years than in the previous twelve years be an argument against the passage of your bill?

Senator GAMBLE. It might possibly be construed in that way.

The CHAIRMAN. Is it not rather a conclusive argument against the bill? The bill is drafted upon the theory that the people would take the land in single sections; yet, as a matter of fact, 600,000 acres have been taken in the last three years in quarter sections.

Senator GAMBLE. I think there may be some exaggeration about that. Final proof has been made during the last fifteen years on 687,000 acres. That is the total amount of land that has been divested from the Government during that time. It was almost impossible to determine the amount of acreage or the number of filings in the condition in which the land was; and it left still unpatented upon which there were existing filings 1,382,000 acres.

Now, these lands have been open to settlement, as we say, for the past fifteen years. Only this limited amount of land has been taken, and even with the existing filings of a little upward of a million acres, if conditions still continue as they are, a large number of these pending filings will be abandoned. I speak from experience as to a part of the reservation, because I was over there. From 70 to 80 and up to 90 miles west of Chamberlain, which is as I indicate here on the map, these lands have been taken; and during this time the desirable lands have been taken up. There is a great shortage of rainfall and great difficulty in the people sustaining themselves, owing to a shortage of water supply, so that it is practically impossible for a settler with 160 acres of land to maintain himself.

Mr. NEEDHAM. What is the annual rainfall in that part of the country?

Mr. MARTIN. Thirteen to 17 inches.

Mr. SHIRAS. In the last fifteen years and under the late filings has there been much abandoned?

Senator GAMBLE. Very much of it. We could not tell how much; there has been a very great deal of it abandoned.

Mr. BROOKS. Are there any figures to show the gross amount that has been abandoned?

Senator GAMBLE. No; I have no figures.

Mr. BROOKS. In our State we keep a record of the abandoned entries.

Senator GAMBLE. I am satisfied that the existing filings, embracing upward of one million acres; and I don't know, Mr. Martin, whether I exaggerate in my statement or not, but I should say a majority of those would be abandoned.

Mr. NEEDHAM. Have you anything to show of that land abandoned, whether it is abandoned before title is obtained by commutation or abandoned without title?

Senator GAMBLE. Abandoned without title, because I know that in the early settlement of the reservation a large number of filings were abandoned at that time, because the filings were made under the provisions of an act whereby, during the first year, 75 cents an acre was paid, and after that 50 cents an acre.

Mr. NEEDHAM. Did not those abandonments take place during a period of very trying years?

Senator GAMBLE. Well, no; because along in 1889 conditions were favorable there. The dry time came along about 1893 and 1894. So it occurs to us, Mr. Chairman, that because in this reservation such a limited amount of land has been taken, perhaps only 7 per cent divested from the Government during a period of fifteen years, some legislation is necessary. On the east side of the river lands were taken at the time this reservation opened, and, we believe, had the lands been desirable on the other side, with the great influx of population, people would have gone over and taken them. And I want also to say that during this time we had a period of prosperity unknown in the history of our State. Real estate east of the river has appreciated during the last six or seven years—well, I would be almost afraid to state the percentage of increase, but 100 per cent up to 200 per cent.

The CHAIRMAN. Has not the increase west of the river been in the same proportion?

Senator GAMBLE. No, sir; it has not.

The CHAIRMAN. I have here a letter, which I spoke to you about, and which I would like to read in this connection, because I regard it as very vital in this hearing.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, January 12, 1905.

The Hon. J. F. LACEY,
House of Representatives.

MY DEAR SIR: In compliance with your verbal request of to-day for information as to the number of homestead entries made in South Dakota for lands west of Missouri River within the past year, I have the honor to inform you that there were 3,658 such entries made during the calendar year ending December 31, 1904. This is exclusive of 1,451 such entries made in the ceded Rosebud Indian Reservation during the same period.

Very truly, yours,

W. A. RICHARDS,
Commissioner.

I figured that out, and it makes 588,280 acres entered in the last year.

Senator GAMBLE. Of course, filed upon; but that does not mean final proof.

Mr. LACEY. In other words, out of a million acres of improved and proved-up land a little over half of it has been taken in the last year, indicating that there has been a change of views or a change of conditions there.

Mr. MARTIN. It might be pertinent at this time to know the number of homestead entries that have been made in the same period. In the Chamberlain land office in the last fiscal year, original entries, which means simply the filing, 1,887. During the same period, final entries, 28. In the Pierre land office, which is the other land office tributary to the eastern part of these lands, original homestead entries, 1,393, and final homestead entries, 19.

The CHAIRMAN. Does not that show that five years ago there was a period of drought in which there were practically no filings?

Mr. MARTIN. During the same period, in the Chamberlain land office, there were 353 commutation proofs; and in the Pierre land office 174 commutation proofs. I think it will be found, and the subject

will be thoroughly gone into by Mr. Burke, that the number of preliminary filings on homestead entries has not differed so very much the last year and year before from other years; but the proportionate amount of abandonments very much. My judgment is that nine out of ten have been abandoned and have not come to final proof.

Mr. NEEDHAM. Those are the statistics that we ought to have here.

Senator GAMBLE. I think that can easily be shown.

The CHAIRMAN. Pardon me for an interruption on this line, because this is a thing that strikes me as being of much interest in the hearing, but it is reported to us that for the last seven years you have been having an abundance of rainfall west of the Missouri River, so that the people in that country have made crops; and this continued rainfall has encouraged people to go out and make entries in both of the Dakotas, so that in North Dakota they have run up into nearly ten thousand entries a year; and the whole country has practically been taken up with quarter-section entries.

Senator GAMBLE. I had an opportunity of going out west of Chamberlain upon this reservation about 50 miles, I think, in my travels over there in October last. Possibly I traveled over an area, without decreasing my journey upon the same ground, of about 75 miles. If there was an abundance of rainfall there during the past year it did not happen to come under my observation; and they complained to me then that they had had no rain since July. I feel confident that that is true, because in that region there is a good deal of alkali. It is impossible to secure a water supply for stock or for domestic uses other than by going away down south and drawing their water from the White River, where they have good water. It occurred to me, as I saw those claims upon which final proof had been made, that it was absolutely and utterly impossible for men to maintain themselves or their families. The time will come, and come speedily, when those who have proved up upon their claims must dispose of them. Others must come in and buy them out.

It has been demonstrated that on the east side of the river we have an abundant supply of artesian water; but on the west side of the river the men who own 160 acres have not the money to dig artesian wells, they costing from twelve to fifteen hundred dollars. A settler must go in there and buy a section of land, and if they need the money to dig that kind of a well, in order to have water for their stock, it is borrowed on the real estate. Take it east of the river, as well as in the balance of the West; when that was settled the settler had the right to take a preemption timber claim and homestead 480 acres of land. It seems to me that under the adverse conditions existing here that, under the provisions of this bill, the settlers should be permitted to take 640 acres of land, especially as under the provisions heretofore existing we permitted the settlers in desirable locations of the United States to take up 480 acres of land. Those who made the earlier settlements had much the advantage of our people now, even with the adverse conditions that they then had to contend with.

If there are any safeguards to be placed about this bill, I desire to say that the people of our State, and of our delegation, want it protected in every way so that this vast region may be made available for the actual home builders and settlers, who will, if it is possible, make the land productive. We are not only interested in the opening of this area, but there are large bodies of land still embraced in Indian reser-

vations not needed by the Indians. There is no railway reaching from the Missouri River west of the great region of the Black Hills where Mr. Martin lives. This development would encourage the building of railways into this region, and we believe there is a great opportunity for them in that section of the State.

As I say, if there are any modifications whatever—I have one or two in my mind—of course it is provided that the settlers, in order to make final proof upon this land, must reside thereon for five years and place improvements to the value of one dollar and a quarter per acre. Now, I make this suggestion, so as to protect it against fraud of any kind, that instead of \$1.25 worth of improvements being placed upon the land per acre, that the settler will be required to place thereon 25 cents worth of improvements per acre each year for the five years, so as to make him give evidence of his good faith in making his permanent improvements; and so that, under that section, he could not secure it by fraud otherwise. Six hundred and forty acres is not a large home under conditions existing there. As shown by the statistics of the last census of the lands in our State, there are, I think, 362 acres per farm.

Mr. SHIRAS. If the farms in the Dakotas contain about 350 acres, or about half a section, what do you think of reducing the amount to a half section?

Senator GAMBLE. Well, as far as I am concerned, I want it so that the head of the family may have 640 acres, because I do not believe that that is too much; and give only the unmarried person the opportunity of the half section.

The CHAIRMAN. Do you mean to say that the husband and the wife, under this proposed bill, could each take a section?

Senator GAMBLE. Oh, no; of course not.

The CHAIRMAN. But the father, and son of age, might do so; or the daughter of age?

Senator GAMBLE. Yes, sir. It might be well if a father and his family, going upon his reservation, could take a section, and if he had one, two, or three sons—

The CHAIRMAN. If they were of age.

Senator GAMBLE. They would be permitted to take the 640 acres.

The CHAIRMAN. You would not bar a son. If he is not married now, he is liable to be.

Senator GAMBLE. This thought comes to my mind: Here is a father, the head of a family, goes upon the reservation, and he takes his 640 acres. He has a couple of boys and girls overage, and they, of course, could take the section. Would that or not be too much? Perhaps a precedent along those lines relative to the granting of allotments to Indians would be of assistance. The head of a family could secure so much, and those over 18 years of age could secure so much. Whether that would be wise or not would be a matter of judgment for the committee and of Congress. Now, on the Black Hills section, embracing nearly 8,000,000 of acres, very little has been taken. Withdrawn from that, of course, is the Black Hills Forest Reserve, and there are one or two small reservations in addition to that. Quite a large amount of that area has been withdrawn for irrigation. There is an aggregate area within those two reservations of probably 17,000,000 of acres still unoccupied and unsettled; and disregarding the Black Hills and the other reservations, there are, I

presume, 14,000,000 of acres, although the great Sioux Reservation has been open to settlement for fifteen years and the Black Hills section for practically twenty-eight years.

Mr. LIND. What would you say to increasing the period of occupancy—it is now five years—say, increasing it to seven? I just want to get your views.

Senator GAMBLE. I will be perfectly frank with you. I want every possible protection thrown around this bill in order that these lands shall be reserved for the honest settler. We want that area occupied; we want it settled, and we want it for the home builder. That area has been occupied until recently by the cattle rangers—by large cattle owners. That vast area is not subject to taxation, nor are their herds. We do not want to make it possible for cattle owners or large owners to hire straw men to go there and settle and reap the benefits of that land.

Mr. LIND. That is virtually a class of homestead entries that have been made in that section, on the whole.

Senator GAMBLE. Well, no, I do not think so; but Mr. Martin can speak with greater knowledge upon that subject. Over that area where I was, as I stated before, for 50 miles west of Chamberlain I saw no evidence of that and heard nothing concerning it, because the cattlemen are opposed to this legislation. It is my understanding that they were opposed to the Kinkaid law and are now seeking a modification of it, because it will drive the cattlemen out of there with their great herds; but with these new people going in there with their small herds there will be greater actual productiveness in the aggregate than heretofore.

Mr. LIND. Is it not true that land in the valleys and along the streams is largely owned by the cattlemen now, and that it has been obtained by commutation homestead?

Senator GAMBLE. I can not speak with knowledge upon that condition, but I think Mr. Martin can. I presume that some of this land has been taken up out there, because these people have been in possession of this land for a long time.

Mr. MARTIN. My judgment is, so far as I have looked into it, that the settlement that has been made and that has become permanent is in a large part and the majority of instances by the smaller stock-grower, who has succeeded in getting hold of first the 160 acres and is now occupying many times that, and that large holders, the cattlemen, who have dominated the range, have not succeeded in getting very much of this land. Their policy has been for the open range. They have not, as a rule, established themselves with titles. Mr. Burke can tell better about that when he comes.

Mr. DIXON. How much of your land along the creeks has been taken up with scrip?

Senator GAMBLE. I don't know of any scrip being used in that settlement, but I would not say that there has not been.

Mr. BROOKS. Isn't it true that in Dakota practically the only opposition comes from the cattle and the sheep men?

Mr. MARTIN. The large holder of stock upon the free public range is the chief objector to this bill, so far as I know.

Mr. DIXON. It was suggested here the other day, with a view of preventing these homestead entries from getting into the hands of

the big landowners, that it would be possible to put a clause in the bill that they should not alienate the land for five years after the patent. Is that feasible?

Senator GAMBLE. Well, of course, it might be a hardship upon those who, in good faith, have taken up the land. As a rule, conditions are not always favorable.

It is necessary in some cases in settling this land that men should mortgage their property, and I would dislike to see any provision that would prevent the settler from mortgaging his land. In my State, in the early times, it was practically impossible for the settler to get along without borrowing money. The rate of interest was so excessive that it paid to pay his \$1.25 an acre to secure the title of a homestead, and then borrow on a real estate mortgage. Then he could get it at a reduced rate of interest. There might be something in that plan, so far as direct alienation is concerned, but I would not like to see a provision in there that would not permit the settler to mortgage the land. I am sure it would be a hardship.

Mr. LIND. Do you not think, in cases of mortgages by homestead settlers that four-fifths of the mortgagees in your State have taken the land—that is, taking the State as a whole.

Senator GAMBLE. I should say that a very limited amount of those original mortgagees have taken the land. As I say, the settler on the homestead, without anything to anchor to, would find difficulty in getting people to loan him money unless he owned the land, excepting at excessive rates of interest which he could not pay; but by paying his \$1.25 per acre he became a fixture and could give a mortgage upon his land at a reasonable rate of interest, and could pay up and get along. I thank you.

STATEMENT OF HON. CHARLES H. BURKE,

Congressman from South Dakota.

Mr. MARTIN. Mr. Burke, the committee will be glad to hear from you upon any features of the bill you desire to speak upon, especially upon what light the fact that some 3,600 new filings have been made in that area in the last twelve months may throw upon this general subject of the wisdom of section homesteads in this country.

We would like also to know as to whether, under the proposed law, the lands would be more or less liable to get into the hands of large cattle or stock people than under the present system. You can go beyond that as far as you please in your statement, but we want especially your views upon those propositions.

Mr. BURKE. Mr. Chairman, I want to say first that I have lived in Dakota nearly twenty-three years, and most of that time on the Missouri River, which is in the center of the State, and the country affected by the proposed bill is immediately west of the river; so I am therefore familiar with the country affected by this bill and generally with the country east of the river, especially that portion of it that is similar in character to the country west of the river. I want to make the general statement first that I am thoroughly satisfied and convinced that that country will not develop unless there is some measure adopted by which a settler can acquire more than 160 acres. I believe that it is an absolute physical impossibility for a person to

go into that country and maintain himself on 160 acres of land. I make this statement, as I say, after having lived in that country for twenty-three years and I think I know something about it.

Now, on the question as to the number of entries that have been made during the last two or three years, and which have continued up to the present time, I will say this, that from the time the reservation was opened to settlement up to the year 1900 the settler was required, regardless of whether he had resided there five years or not, to pay for the land. During the first few years he paid \$1.25 per acre, then 75 cents an acre for a period of time, and then 50 cents an acre; and in May, 1900, the free-home law went into effect and this country then became subject to what is known as the free-home law. The passage of that law, and the fact that this country was then subject to homestead entry, under what is known as the free-homestead bill, was generally advertised and had a tendency to bring people into that country. Many filings were made following that time and have continued since. I think I may say that for the last three or four years the conditions as to rainfall have been materially better than they have been for a period of twenty years; that we have not had the drought we had generally preceding that time. And my own opinion is that we have had a condition so far as rainfall is concerned above the average, but we will not of course have a continuation of such rainfall.

The CHAIRMAN. In this connection, so as to get it into the record, is it not true that commutation of those lands would be 50 cents an acre?

Mr. BURKE. Yes, sir.

The CHAIRMAN. Has the temptation to enter, with a view of commutation at the end of fourteen months, had anything to do with the increased number of entries?

Mr. BURKE. Most assuredly. I intended to speak of that, but inasmuch as you have brought it up at this point I will say that a large number of these entries which have been made by people, many of them single persons, and as a rule a very small per cent of them have maintained any residence at all upon their lands. Out of 180 final proofs that were offered at the Pierre land office, where I live, my recollection is that there were 100 rejected by the local officers. I might mention that in the last election we had the capital question before the people, the relocation of the capital, the moving of the capital from where it has been located since 1889 to a city in the eastern part of the State; and my city, through its capital committee, brought in several hundred of the alleged residents holding homesteads west of the Missouri River. They came from Nebraska, Iowa, and as far east as Illinois, to the number of several hundred. There were political conditions in that country——

The CHAIRMAN. What is the residence in South Dakota for voting?

Mr. BURKE. Six months. The political conditions in the contest west of the river for local offices made it sharp, and objection was made that those that were not entitled to vote should not be permitted to do so if it could be prevented; and the mere suggestion that they might get into trouble if they did vote caused the larger number of them not to try to vote at all. They understood that it would be an evidence of their residence in the State if they did vote, and that

inducement being held out to them by the Pierre interests the mere suggestion that they did not have the right to vote caused a large number of them not to do so.

Mr. MARTIN. You say a large number; what proportion of them?

Mr. BURKE. In some precincts hardly any of them voted.

The CHAIRMAN. Is there a pretty heavy vote west of the river and east of the Black Hills?

Mr. BURKE. No, I think not. I think perhaps that the vote in Stanley County, which is immediately west of the river from Pierre, was, in round numbers, including the city of Fort Pierre, the entire vote, about nine hundred. It is more than 100 miles from the west border of that county to the river; but I don't remember just the distance from the north to the south line. Lyman County gave between twelve and thirteen hundred votes, but that is a very much larger county; and Meade County about a thousand votes. Butte County perhaps eleven hundred.

Mr. MARTIN. Those two counties, Meade and Butte, are pretty well into the Black Hills country, and have very flourishing towns on the railroads, the town of Sturgis and the town of Bellefourche, each town having a large population.

Mr. BURKE. I want to say this that the vote west of the river was probably as large as it legitimately could be by reason of the capital fight, and that section of the State being interested in retaining the capital on the Missouri River, a full vote was polled.

Now there was something said about the per cent of lands that were mortgaged. I would like to say that I had charge of various loan companies that operated from 1883 to 1890 in making loans, largely final-proof loans, in North and South Dakota. We had no loans east of Hand County in South Dakota, and our loans reached into North Dakota as far east as the Devils Lake land district; and out of about 1,800 loans I think we acquired—that is, the mortgagee acquired—about 800.

Mr. DIXON. What was the rate of per cent?

Mr. BURKE. The rate was 7 per cent with the usual second mortgage or cash commission of 3 per cent, which would be a 10 per cent loan. In the country immediately adjoining the Missouri River in South Dakota I think possibly that the percentage of foreclosures was nearly as large as suggested by Mr. Lind, and the loans were very small, running from \$250 to as a rule not over \$500.

Mr. LIND. I know in one county that as a matter of fact the original mortgagees took 75 per cent of the entries. That is near the North Dakota line in your State, near the Missouri River.

Mr. BURKE. Now as to the question of allowing an opportunity to parties to acquire very large holdings, I want to state that it is my opinion that under the existing conditions it would be easier, much easier, to acquire a large tract of land than under the provisions of the bill which is now being considered by the committee. Under the present law a party may make a homestead entry. Within six months he can establish a residence thereon. Within eight months thereafter, if he can show that he has maintained a residence for eight months, he can acquire the title by paying 50 cents an acre. Now it is a very easy matter for a single man or a single woman to file upon a homestead, within six months build a cabin upon it and stay there one or two or three days and establish their residence.

Then they can absent themselves and go elsewhere and return occasionally during the period of eight months and make a final proof, basing their claim upon a continuous residence of eight months; but as a matter of fact there is not any reason why they should not be permitted to make proofs under such residence, because their constant attendance on the land would not mean anything; there is nothing they could do. They could not make a living there, and really there is no reason, as I said before, why they should not be permitted to make proof, and they do make proof in such cases.

Now, if this bill requires a settler to go upon the land and maintain a residence for five years and do a certain amount of improvement, it might be well, by the way, to require them to do some portion of that work annually, so that they might not be able to hold the claim for five years by doing nothing, only maintaining their residence upon it. It seems to me that it will insure an actual settlement, and that opportunity for fraud would not be as extensive as under the present law. I know one man at present who owns 23 quarter sections of land west of the Missouri River, and he owns a ranch and has acquired these lands by purchasing from parties who proved up upon them. I imagine that there never has been very much improvement upon any of the 23 quarter sections, unless the erection of a small claim shanty can be called an improvement.

Mr. MARTIN. Taking that particular case, Mr. Burke, can you state what the probability is as to whether those settlers were asked to go in there or whether they went in there independently, and not being able to maintain themselves were willing to sell afterwards?

Mr. BURKE. I would say that the number of filings that have been made may be accounted for by the fact that there has been a systematic effort put forward by locating agencies in inducing people to go out there and make these filings, and my opinion is that many of them, after they actually realized the exact conditions there, decided to abandon their claims without establishing residence upon them. And I believe that in a large percentage of the homestead entries that have been filed in the last year there never will be any attempt to establish residence.

The CHAIRMAN. What is the motive in locating the agency?

Mr. BURKE. For the purpose of making a charge for the service. I believe they charge \$25 to \$50. The local agents, I think, charge so much per man or woman who makes the entry; and many of them will go out to Pierre or to Chamberlain, where the land offices are located, and make a filing without going to the land at all, and return to the place from which they came. They may never go again, or they may go, and when they find what the condition is there they perhaps will abandon it before commencing a residence.

Mr. MARTIN. How familiar are you with the country west of the Missouri River, between there and the western part of the State?

Mr. BURKE. I have, of course, been in the Black Hills; have driven from Rapid City, and also from Sturgis, so that I know something of that country. I may say that our mortgage company had quite a number of loans in Meade County, and also in Pennington County, which made it necessary for me to go there and make examinations. Since then I have been west of the Missouri River, I think in the northwestern direction, about 75 miles, and then across on the Pine Ridge Agency, and then back to Fort Pierre; so that I have been

through the principal part of the country and know something about it.

Mr. MARTIN. Of these people who have made filings in the last five years, and particularly in the last three years, what proportion of them have become permanent citizens of that region of country?

Mr. BURKE. It would be very hard to answer, Mr. Martin, but my information is that the actual permanent population in the country affected by this bill has increased but very little.

Mr. DIXON. Do they irrigate in that part of the country?

Mr. BURKE. Not at all.

Mr. DIXON. Is there no water with which to irrigate?

Mr. BURKE. I don't think there is very much, if any, of that territory that can be irrigated, unless irrigation from artesian wells can be successfully carried out.

Mr. LIND. Senator Gamble stated this morning that they have recently succeeded in getting artesian water on the west side of the river. To what extent is that true?

Mr. BURKE. There is an artesian well immediately south of Pierre that is a very excellent well.

Mr. LIND. Flowing?

Mr. BURKE. Oh, yes, flowing; and also natural gas. I want to make one exception in what I have said about this country; that there in a territory south of Pierre, in Lyman County, that has been very generally taken, and I think a good part of it has been proved up, and is much better in character than the other portions of that country.

Mr. MARTIN. Now, to the extent that settlers have actually gone in there in the last fifteen years and become permanent settlers and make a living for themselves and for their families, are there any, so far as you know, who are making a living on 160 acres?

Mr. BURKE. Not to my knowledge.

Mr. MARTIN. As a matter of fact, how do those settlers maintain themselves in that way?

Mr. BURKE. They are cattle men, and have lived there upon their ranch property. The cattle are rounded up twice a year, as is usual in a range country. They do not confine their cattle to any particular section or portion of the country.

Mr. MARTIN. What is your judgment as to whether or not a family could be maintained properly on 160 acres of land alone in that region?

Mr. BURKE. I stated at the outset that I do not believe it is possible. I think it is a physical impossibility.

Mr. DIXON. Can a man on that land maintain a family and become a small stock raiser on 640 acres?

Mr. BURKE. My opinion is that he can.

Mr. DIXON. How many cattle can he maintain on 640 acres of land?

Mr. BURKE. He should be able, on 640 acres of land, I should think, to have from 50 to 100 head of cattle.

Mr. DIXON. What is he going to feed them in the winter time if you can not irrigate and make hay?

Mr. BURKE. We do not need any hay in that country one year in ten. Cattle, as a rule, range the whole year round; and if hay was required a man having a ranch would be able to lease land, school

land, for hay purposes, and would not necessarily be obliged to depend entirely upon his 640 acres.

Mr. NEEDHAM. Has that area been sufficiently exploited for you to say that there is no artesian water there?

Mr. BURKE. There is artesian water there.

Mr. NEEDHAM. If there is artesian water there would you think it would be necessary to homestead 640 acres?

Mr. BURKE. I will say in reply to that, artesian wells are very general throughout the eastern portion of our State; and that irrigation from artesian wells has not been found to be a success; and yet in every instance that I know of, with possibly one exception, the irrigated farms that I have known of that have been irrigated by artesian wells, have been abandoned, so far as the idea of irrigating is concerned.

Mr. NEEDHAM. Why is that? They are very successful in our State.

Mr. BURKE. Owing to the expense, for one thing; and also for other reasons that I am not familiar with; but I know as a matter of fact that that is true. Upon the Hunter irrigating farms in Spink County they claim to irrigate 640 acres with one well, but that is the only farm.

The CHAIRMAN. Is it not true that most of the wells might result in turning a quarter section of land into a helpless and useless marsh?

Mr. BURKE. No; that is not true. There are some instances where the flow of water has been allowed to run without directing it in any particular way, and making a marsh out of a piece of low ground. There is no doubt about that.

The CHAIRMAN. In some instances they select a piece of ground that is on a dead level, and put a well in the center of it, and from that point the water travels in every direction?

Mr. BURKE. I want to say that this country is similar in character to that east of the river, buttes and high country, and that the mortgage company which I represented acquired quite a large amount of land, as I mentioned a moment ago. For a period of ten years we were practically unable to sell the land at any price at all and we received no revenue from it whatever. The difficulty was that the lands were not in a body, being 160 acres here and 160 acres somewhere else; and as late as 1899 I sold to an Iowa syndicate, of Dubuque, Iowa, 12,000 acres of such land at \$1 per acre, with absolute title in each case and the taxes paid.

And perhaps we had paid during the time that we had title to those lands from \$1 to \$2 an acre in taxes on the land. We were very glad to get that \$1 per acre. And the idea in selling was that a single quarter section of land by itself did not have much value. A few people that bought these lands did so with an idea of acquiring adjoining lands. They have bought the adjoining quarter, or they have made exchanges until they have gotten a section or a section and a half—I believe in one instance two sections and in another a section and a quarter were the largest tracts—and they have been selling those lands, I understand, at from \$4 to \$5 an acre. But the single-quarter section we were very glad to dispose of at \$1 per acre fifteen years after they were proved up, and after paying taxes which amounted to a good deal more than a dollar an acre.

Mr. MARTIN. You made quite an extensive trip out through that country within the last eighteen months?

Mr. BURKE. A year ago in October.

Mr. MARTIN. What is your judgment as to the number of these settlers who have been taking claims in that section in the last three or four years, as to the proportion that have actually built homes and become residents of that section?

Mr. BURKE. Well, in Stanley County I would say the percentage is—well, I could not say exactly what it is. I think it is more in Lyman County than in Stanley County. I will say this: I drove from Fort Pierre in the afternoon 25 miles, where I stopped at a road house that night, and did not pass a house where there was anybody living in the whole distance. I remember I drove the next day for dinner to another road house and the same condition prevailed; that there was not one family actually residing in that distance immediately on the road. There may have been some off the road; I saw a few claim shanties. That was a year ago last October. I understand there have been more claim shanties built since that time, and that they are very much more numerous than that.

Mr. VOLSTEAD. Does a claim shanty indicate that there is anybody in it?

Mr. BURKE. Generally not. We usually find the claimant away from home. Many of them are built without entries and many of them without application.

Mr. MARTIN. Taking the entries of the last three years, what is your judgment as to the percentage that would become final proofs either by commutation or final entry?

Mr. BURKE. By commutation there might be quite a good many, but I know there will be a larger number that will never make proof, in my opinion. I also want to state that I believe there have been some filings made that I do not believe would have been made had it not been in anticipation of some legislation as is proposed here, and believing that they would have a preferential right.

I would suggest that if such a bill as this is to be passed there ought to be some date at which it should take effect, so far as the preferential rate is concerned. I do not think that a man who makes a homestead entry in that country to-day ought to be given a preferential right to make an entry of 640 acres because he filed to-day, because I think it would be probably for the purpose of having an advantage, if there is an advantage.

Mr. MARTIN. As to the entries that have been made in the past year, what is the fact as to the location of agents along the Missouri River who have induced settlers to take up 160 acres in anticipation of larger homesteads?

Mr. BURKE. That has been done recently. I don't know whether it has gone back since this agitation began, although this subject has been agitated in the newspapers for several months, and since the passage of the Kinkaid law.

STATEMENT OF HON. ALFRED. B. KITTREDGE,

Senator from South Dakota.

Mr. KITTREDGE. Mr. Chairman, I don't believe it is necessary to take the time of the committee. I stated last Saturday or Friday that the entire delegation from South Dakota was favorably disposed toward this measure. I do not know whether the action of the house of representatives of South Dakota has been called to your attention, but if not, I will say that a memorial to Congress was presented in our legislature which convened about ten days ago, and the house has passed it and sent it here. From an inspection of a list of those composing it, I am convinced that the only opposition on the part of that body was from the cattle interest.

Mr. LIND. I would like to ask if we recommend a bill along the lines suggested by your delegation, would you think it pertinent and wise for the committee to retain the same preference in regard to commutation or final proof in behalf of honorably discharged soldiers that the general homestead act confers?

Senator KITTREDGE. Well, I don't know whether that would be wise or not, and I am inclined to think not.

Mr. LIND. Well, I am not of that opinion, but I wanted yours.

Senator KITTREDGE. That is my personal judgment.

Mr. NEEDHAM. What do you think in regard to this area, as to the possibility of developing artesian water all through there?

Senator KITTREDGE. To what extent it is possible to develop it I am unable to say. I know that they have artesian wells there, and I believe it will be helpful in the development of the country, but I am satisfied that the development of artesian wells in this area will not be sufficient to enable a man with a family to support and sustain them on 160 acres of land, or anywhere near it. The cost is too great, and the opportunities to make a living insufficient.

Mr. NEEDHAM. Have you developed artesian water enough in that State to say whether, after it has been used a few years, the water level lowers and the wells cease running?

Senator KITTREDGE. There has been trouble of that kind in the eastern part of the State. I can not say that it is a general proposition, but it is true in the eastern part. It may be a fault in the construction of the well, or it may be that something was out of repair in connection with it. I know that they made complaints of that character.

Mr. NEEDHAM. You have not had very much experience in that State with artesian water?

Senator KITTREDGE. Oh, yes.

Mr. MARTIN. Probably more than any State in the Union. We have thousands of artesian wells.

Senator KITTREDGE. The State is covered with artesian wells; every few miles.

Mr. MARTIN. Has anything successful in a general way been done along the lines of irrigation by artesian wells in that State?

Senator KITTREDGE. Well, the only instance that I know of is the one mentioned by Mr. Burke, that is, the Hunter farm in Spink

County. It has been done on a small scale. It has been experimented with.

Mr. LIND. Is that farm in the Jim River Valley?

Senator KITTREDGE. It is a few miles from the Jim River—4 or 5 miles.

Mr. LIND. It is on the bottom lands?

Senator KITTREDGE. Oh, yes.

Mr. LIND. It is not the ordinary rolling uplands?

Senator KITTREDGE. No, sir; right in the Jim River Valley.

Mr. NEEDHAM. Do you raise alfalfa successfully in South Dakota?

Senator KITTREDGE. Yes, sir; in the eastern part.

Mr. NEEDHAM. Not in the western part?

Senator KITTREDGE. No; not that I know of.

Mr. MARTIN. There is considerable alfalfa irrigation in the western part, wherever they irrigate, in the Black Hills country.

Mr. NEEDHAM. Have you tried to raise alfalfa with artesian water?

Mr. MARTIN. I don't know as we have made any experiments of that kind west of the river.

Mr. DIXON. What is the average flow of these artesian wells?

Senator KITTREDGE. I am not sufficiently posted on that matter to tell you that.

Mr. DIXON. Do you know Mr. Martin?

Mr. MARTIN. I do not. I only know, in a general way, that in the last twenty-five years a great many artesian wells have been put down in the eastern part of the State. They are used for domestic purposes, and the understanding that I have is that the efforts at irrigation from those sources have not been found practicable. I would not undertake to say why, but out of the many efforts that have been made, excepting for perhaps gardens in small places, I know of only the Hunter farm, to which Governor Lind has called attention, the farm located in the Jim River Valley. That is irrigated on a large scale from artesian water.

Mr. DIXON. How deep do you sink your artesian wells?

Mr. MARTIN. All the way from 100 feet, which applies in Clay and Yankton counties in some cases, down to a thousand and perhaps 1,500 feet; but west of the river I think they have gone deeper and found the water.

Senator KITTREDGE. About 1,200 or 1,400 feet, west of the river, on the average.

Mr. NEEDHAM. If possible, Mr. Martin, I would like to find out why it is you can not raise alfalfa from artesian water in South Dakota.

Mr. MARTIN. I did not say that you can not. You can easily find out all about that from the Geological Survey. They have pamphlets covering the whole question.

Mr. NEEDHAM. I think we ought to have that information before the committee.

The CHAIRMAN. I have two telegrams, one from the mayor of Rapid City, S. Dak., and one from the secretary of the Commercial Club at Hot Springs, S. Dak., in favor of the enactment of this bill, and I will put them in the hearing.

[Telegram.]

RAPID CITY, S. DAK., *January 13, 1905.*

The Hon. JOHN F. LACEY,
Chairman Committee on Public Lands,
House of Representatives, Washington, D. C.:

We positively state to you that hundreds of settlers have left this country, having been unable to live on a 160-acre homestead; many are still struggling, and are praying for the passage of the section homestead law, that they may have land enough on which to make a living.

Emerick, mayor; Halley, president, the First National Bank; Gantz, clerk, circuit court; Trowbridge, county auditor; Mathias, recorder; Halley, county treasurer; Whitfield, county judge, McGee, circuit judge; Sweeney, wholesale hardware.

[Telegram.]

HOT SPRINGS, S. DAK., *January 13, 1905.*

The Hon. JOHN F. LACEY,
Chairman Committee on Public Lands,
House of Representatives, Washington:

Fall River County unanimously favor Martin homestead act and urge its passage.

ELMER Q. JACKETT,
Secretary Commercial Club.

Mr. LIND. I think this is the reason why irrigation does not do so well there. Below the surface of that black prairie loam, which is generally upon the surface in the Dakotas, there is a heavy clay, except in the river bottoms, where there is a lighter soil and gravel subsoil. Wherever there is gravel subsoil of course they can irrigate, just the same as in California; but over the prairies, generally, on the plateaus above the river bottoms, where there is a heavy adobe or clay subsoil, irrigation does not seem to work well.

Mr. NEEDHAM. But that is not because it is artesian water. It would not irrigate at all, as I infer from that statement.

Mr. LIND. That is not because it is artesian water, no; that would be true of any water.

Mr. MARTIN. There is an abundance of information on that subject in pamphlet form. I know that experiments have been made, and it has been quite generally followed up.

Thereupon, at 12 o'clock the committee adjourned to meet again at 10 o'clock Wednesday, January 18, 1905.

COMMITTEE ON PUBLIC LANDS,
Wednesday, January 18, 1905—10.50 a. m.

The CHAIRMAN (Mr. Lacey). Gentlemen, we do not have a quorum at the present time, but we can proceed as a subcommittee until a quorum shall arrive. I see that Mr. Reeder is here. Do you wish to be heard, Mr. Reeder?

Mr. REEDER. Not at the present time.

Mr. MILLER. I would like to ask if this bill has been referred to the Secretary of the Interior?

The CHAIRMAN. Yes; and an adverse report came in this morning.

STATEMENT OF MR. A. S. HILL.

Mr. HILL. Mr. Chairman, I would like to have our Representative, Mr. Martin, ask me such questions as he thinks he would like to have the committee enlightened upon. I will state beforehand that I did not come here expecting to come before this committee. I am not here as a lobbyist. I have been here at some of the hearings, and Mr. Martin proposed that I come and give some information on the subject.

Mr. MARTIN. I will say that the Captain lives in this area, and when I learned that he was here I asked him to come before the committee. Where do you live, Mr. Hill?

Mr. HILL. I live at Bovine, S. Dak., in Lyman County 100 miles west of the Missouri River.

Mr. MARTIN. You live in the area that this bill is proposed to apply to?

Mr. HILL. Yes, sir.

Mr. MARTIN. How long have you lived there?

Mr. HILL. Fourteen years.

Mr. MARTIN. Were you at this hearing Monday of this week?

Mr. HILL. I was.

Mr. MARTIN. How familiar are you with the country, the ceded portions of the Sioux Reservation, west of the Missouri River in South Dakota?

Mr. HILL. Well, I would say that my opportunities have been such that I ought to know all about that country—the condition of it. I have been there. I have two sons located there as well—in the cattle business in a small way.

Mr. MARTIN. Now, it is called to our attention that a large number of homestead entries have been made in that section of the country in the last two or three years. I wish you would state to the committee the character of these entries, so far as any permanency in the Territory is concerned. What is their general character?

Mr. HILL. Well, I would state, in the first place, that I have no data, and I can only give an answer from my observation. To illustrate that I will give you my immediate surroundings. My school district consists of 6 school townships, 18 miles long and 12 miles wide. We have in that district 5 scholars of school age. We have, to my certain knowledge, but 30 voters in that entire district. In this particular district there have been but 3 filings in the last year, and those 3 were all cancelled last fall.

Mr. MARTIN. Have you been over any other portion of the reservations excepting that part?

Mr. HILL. Oh, yes. I simply gave that as being around me.

Mr. MARTIN. What is your observation as to the other part of the area?

Mr. HILL. Well, the entire reservation, with the exception of that portion along the streams, is entirely vacant; that is, there is not a dwelling house. There is an occasional claim shanty, but no one living in them. They were not built with the expectation that anybody would live there. Generally, they about 8 by 10; no door, no window, just a board box, as you might say. In the winter time they blow away, because, I suppose, somebody wants kindling wood.

Mr. MARTIN. Where are the permanent settlers in that part of the country?

Mr. HILL. They are right along the streams. There is no permanent settler off a stream, and they are very few and far between. Now, the Bad River is the only stream running clear through this entire reservation. The Bad River is between the Cheyenne and the White rivers. These ceded lands are bounded by the Cheyenne River on the north and the White River on the south; and outside of the land along the stream there is not a single dwelling house except on the road ranch and at other points along what is called the Dead-wood trail, and also over where these little streams cross, such as Willow Creek and Plum Creek. Wherever one of these streams crosses you will find a ranch.

Mr. MARTIN. What is the nature of those streams?

Mr. HILL. The stream that I first located on in 1890 was properly named Dry Creek. It is dry from about nine to eleven months in the year, though for two years while I was there it did not run dry. We have to build dams to hold water for our stock during the dry season in the summer. Monday I heard someone make the remark here that we are having plenty of rainfall. Now, Mr. Chairman and gentlemen, I will tell you as a fact, that last year from the 4th of July until the time I left in November we had had just one shower; and if that is what you call rainfall I do not know what it is.

Mr. MARTIN. What is the nature of the other streams? You tell of but one.

Mr. HILL. They are all of the same class. There is not one running through between White River and the Cheyenne River but what dries up every summer, with the exception of Bad River, and that was two years dry.

Mr. MARTIN. You say you have lived there fourteen years. Has there been any marked change in the amount of rainfall in the recent years that you have observed?

Mr. HILL. I will say this, that two years ago we had quite an improvement in rainfall. About 70 miles out from Ocoma, which is right across the river from Chamberlain, they had plenty of rain and raised quite fair crops. This past summer that whole country dried up and they did not raise so much as a bean, and the people actually had to move out.

Mr. MARTIN. How long have these valleys that you refer to in that area been settled, Mr. Hill?

Mr. HILL. Well, in 1892 there was quite a large Russian settlement came in on what is called the Medicine Valley. In 1894 and 1895 every last one of them had to abandon their property. We had a drought from about 1890 up to 1900 because we did not have sufficient rain. But in the meantime our prairie grass does well and we never fail to have that for stock.

Mr. MARTIN. How generally are those so-called valleys settled at the present time?

Mr. HILL. The land is all taken up in those valleys that is along the streams, but you will find that it has all gone into the hands of what we term speculators, or the larger cattlemen; but our largest cattlemen have moved out.

Mr. MARTIN. How long have these valleys been generally settled?

Mr. HILL. Well, they were settled more in 1892 than they have been since.

Mr. MARTIN. What is the character of the remaining lands that are open to homestead settlement?

Mr. HILL. Well, it is alkali soil and it is high. There is no way of getting any water only on what we call the draws that lead in. By digging on the head of these draws we can get wells, but up on the table-lands I have known men to go down 50 or 60 feet and it would be perfectly dry.

Mr. MARTIN. Is it generally a rolling country or a flat country west of the Missouri River?

Mr. HILL. Rolling. It is really unfit for irrigation, because of the fact that you can not get level land suited for irrigation. To irrigate you have got to have just enough descent for the water to run. Another peculiarity of this land in that regard is—I don't know as it is of material use here—but the soil consists of so much alkali that if you go to a stream that is running with any current at all, you will go right down 10 feet, and when we are traveling and come across one of those streams where there is a draw coming in, we have sometimes to go a mile or so around in order to get across.

Mr. MARTIN. It is gumbo land?

Mr. HILL. Yes, sir.

Mr. MARTIN. What do you say as to whether any new settlers have been coming into that area within the last three or four years?

Mr. HILL. We have not had any in my particular locality, not a single new settler. A good many filings have been made, and I would like to throw a little light on this filing business. We had a capital contest which was principally between two railroad companies—the Chicago, Milwaukee and St. Paul and the Chicago and Northwestern. One ran into Pierre and the other into Chamberlain. Chamberlain was the opponent of Pierre for the capital. Each railroad company ran in just as many men as they could, and they commenced this six months beforehand. Some days there would be twelve or fifteen hundred men come in, and they would file on these lands, it costing them \$14 to file, but there has not been one single one, to my knowledge—and I have been over the lands pretty well; I have to go over it a great deal in going to town, as I am 40 miles from the nearest grocery—there is not a town within that whole district of 100 inhabitants. And I mean by that away from the river. Around Chamberlain or Oacoma there are little settlements, but back 22 miles from the river or so there is not a town.

Mr. MARTIN. Is anyone through that area making a living on 160 acres of land?

Mr. HILL. Not to my knowledge. I have tried that myself and I know that I could not do it; but I would state right here that we have now under lease a section and a half of land, that is one school section. we lease one school section, and we have that all fenced in, the three claims—I have two sons and myself—we have to cut our hay outside on the public land, which every year is growing poorer and poorer because the stock is allowed to run over it and spoil it, but there is not for 20 miles south of us a residence fit for anyone to live in, or that is calculated to live in.

Mr. SHIRAS. What effect has that had on the grasses of that district?

Mr. HILL. Where there is no water it is tramped all out. The cattle go 10 or 15 miles for water. There is not any water between Bad River and the White River, that is all the way from 20 to 30 miles.

Mr. SHIRAS. Even if you enlarge the homestead entry to 640 acres, how would you meet the conditions of water supply? How would the small stockman be able to get water to supply his animals?

Mr. HILL. They could not supply a large herd, but they could from a well. We have two wells on one or two of our claims.

Mr. SHIRAS. What depth are they?

Mr. HILL. Well, we go down 25, 35, and 40 feet.

Mr. MARTIN. Could you get water for stock purposes by putting dams across dry draws?

Mr. HILL. We have those dams; one of my sons and myself live on Dry Creek, properly named, and we have dams along them. Those dams will fill up in the spring and the water will last through the summer—that is, they won't go entirely dry. But before that, for a couple of years there has been plenty of water for our own stock; but we have to keep it within an inclosure. The ranges are public.

Mr. MARTIN. Can a settler make a living for himself and family on 160 acres of that land?

Mr. HILL. Well, I don't see how he could. I could not.

Mr. MARTIN. What is the smallest quantity that could reasonably be expected to make sufficient to be used for the purpose of securing a living for a family?

Mr. HILL. Well, Mr. Martin, that would be guessing at it. It would depend, of course, upon the locality. We have taken up our claims on Dry Creek, properly named, and have had it fenced for twelve years and in that way we get very good feed and grass.

Mr. MARTIN. Would a section, generally, through that country, properly utilized, promise a living?

Mr. HILL. A section, in my judgment, would make a living for anyone that would handle it properly. That is, if you would have a good manager. If you had a bad manager he would not get along.

The CHAIRMAN. How about making hay on that land? How much of it would make hay?

Mr. HILL. We get all of our hay off of the upland, but it is tramped over by cattle. We perhaps would have to cut two acres to get a ton, maybe three acres.

The CHAIRMAN. If that is fenced, and cattle kept off, how much will it produce?

Mr. HILL. Two tons to the acre.

The CHAIRMAN. Then it is not short grass in any sense of the word?

Mr. HILL. This that I am talking about is on a stream.

The CHAIRMAN. I am talking about the upland, the rolling land between the streams.

Mr. HILL. It would be all guess work, because there has never been any of it fenced; the experiment has not been tried.

The CHAIRMAN. What is your post-office address?

Mr. HILL. Bovine, Lyman County, S. Dak.

The CHAIRMAN. How far from Chamberlain?

Mr. HILL. I think it is 101 miles.

The CHAIRMAN. How far from Pierre?

Mr. HILL. It is 40 miles south and west of Pierre. Our county seat is right across the river from Chamberlain.

The CHAIRMAN. How far do you live from a railroad?

Mr. HILL. We have to go to Pierre, which is the nearest railroad point.

The CHAIRMAN. How much land have you there?

Mr. HILL. One hundred and sixty acres.

The CHAIRMAN. Of course, you would take three more quarters if this bill should pass?

Mr. HILL. Yes, sir.

The CHAIRMAN. That is what you would like to have done?

Mr. HILL. Of course; I am human.

The CHAIRMAN. There is nothing inhuman in that, of course. Then you have sons of age?

Mr. HILL. I have two sons.

The CHAIRMAN. Are they married?

Mr. HILL. Yes, sir; and have families.

The CHAIRMAN. Each of them have quarter sections?

Mr. HILL. We went in there just as soon as it opened in 1890 and each took up a claim.

The CHAIRMAN. All patented now?

Mr. HILL. No. My youngest son—we all got on Dry Creek, properly named, but he had to change his filings to get on Bad River, in order to get water.

The CHAIRMAN. How deep do you have to go for water there?

Mr. HILL. Well, it depends on circumstances.

The CHAIRMAN. On your place—you have a well there, I suppose?

Mr. HILL. We have a well, I think, on the bank of the river. The river itself is dry, but there is water running underneath, and by digging a well you can get water that is permanent.

The CHAIRMAN. How deep do you have to go?

Mr. HILL. Well, you would have to go a little below the bed of the river.

The CHAIRMAN. How is it upon the upland?

Mr. HILL. Wells have been dug there, but they never have been able to reach any water except on the head of the draws. In that country where the little streams come into the larger ones they cut what we call draws, which are almost canyons, and at the head of those draws we can very often get water by digging.

The CHAIRMAN. Have you tried the raising of alfalfa in your locality?

Mr. HILL. No, sir.

The CHAIRMAN. What crops do you raise?

Mr. HILL. We do not raise anything only garden crops.

The CHAIRMAN. Then, you rely entirely on the grass?

Mr. HILL. We depend entirely upon irrigation, using windmills.

The CHAIRMAN. You now have your cattle running on the Government range?

Mr. HILL. The cattle there all go on the Government range.

The CHAIRMAN. Are there any big ranches near you?

Mr. HILL. Not very large. We have one of the largest ranches, I think, in our county. You know that our counties are pretty large. Lyman County, the county that I live in, which is composed of three large counties which were all thrown into one, takes in nearly the whole of this territory between the Cheyenne River on the north and the White River on the south.

Mr. MARTIN. What is the nature of the water that you get in those wells in the bottoms?

Mr. HILL. It is unfit for anything excepting stock water.

Mr. MARTIN. Is it alkali?

Mr. HILL. Alkali; yes.

Mr. DIXON. Where do you get your drinking water?

Mr. HILL. Now, I might answer that in a way that would not fit anybody else. I have not drank a pint of water in ten years, but other folks do. They put up ice there. The people there have gotten accustomed to drinking alkali water, and I would say that they can drink it, but I could not stand it at all. The other people have gotten used to drinking it without any difficulty.

Mr. MARTIN. I understood you to say that you now lease a school section.

Mr. HILL. We lease a school section and two quarter sections, and with the three quarters that we own we have it all fenced in.

Mr. DIXON. How much stock will that school section and the three quarters that you own maintain, fenced in?

Mr. HILL. I could only approximate. We have a small bunch of stock that we keep on it in the winter time; but they run on the range in the summer time altogether. The school section will probably keep during the winter time a couple of hundred head.

Mr. DIXON. Without any feeding of hay?

Mr. HILL. We don't feed any hay only to the cows with late calves, or the weak cows.

Mr. MARTIN. Would a section properly managed keep one hundred head all seasons of the year?

Mr. HILL. Well, I am of the opinion that it would if it was fenced in. Now I have 160 acres that I have had under fence for twelve years, and when I put that fence there it would not keep ten head of cattle, because I could not get any hay. Now I can get on that from 50 to 75 tons of hay, which I only feed in the winter time.

Mr. VOLSTEAD. Do you mean on the quarter section?

Mr. HILL. Yes,—well, I am a little modest, but our quarter sections are large.

Mr. DIXON. How much larger than the ordinary?

Mr. HILL. Well, we don't measure them. We go just where we think the line ought to cut.

Mr. RUCKER. Are there no quarters there?

Mr. HILL. The survey was made in 1890, and the corners are mostly obliterated.

Mr. RUCKER. You were not there when the survey was made?

Mr. HILL. We were there then. We know where some of the corners are. We know where the corner of the school section is—we rent the school section, you know—that is, a part that we hold. Then we have a couple of quarter sections that parties came in and filed on—

Mr. RUCKER. In establishing the lines you don't resort to a survey, but just run where you think it ought to be?

Mr. HILL. We do not have any fences only on what we have, but they are under lease or filed on; but we do not get any surveyor to find the corners.

Mr. DIXON. How much more productive of grass is that land after

you have it fenced than it was when you first went there and it was open grazing?

Mr. HILL. When we first went there, when the reservation was opened, there was not any cattle in that country and the grass was good anywhere; but as soon as it was opened these large stock companies put thousands in there on the free range, and where you could cut a ton or a ton and a half of grass before from an acre we have to cover now about three acres. Where it is fenced in you can get from a ton to a ton and a half per acre.

Mr. McCARTHY. If the upland was fenced in could you get that much on it?

Mr. HILL. In certain localities. There is some of the land that would not raise grass at all; but there is a good deal of it on which you could get a ton to a ton and a half per acre.

Mr. DIXON. What kind of grass is that, bunch grass?

Mr. HILL. Well, the grass out there has so many names that I hardly know just what to call it; but west of the Rocky Mountains it is called salt grass. We call it in our country alkali grass; but it is the regular genuine blue grass. One ton of it is worth two tons of timothy hay, almost. We can work our teams without any grain, just feeding them this alkali grass.

Mr. DIXON. It is what we call blue joint out West.

Mr. HILL. Now, blue joint is a different thing. This is short grass, fine, and it is a good deal like what they use on their lawns and call Kentucky blue grass.

Mr. RUCKER. Will that grass alone keep the teams in good condition while they are working?

Mr. HILL. Yes, sir. Of course, you can not work them as you do back in the States, where you put a team on in the morning and work them all day; but you can do a reasonable amount of work. Horses are not worth so much out there. You can have two teams where back East you can have but one. Then there is not the work to do. All the work we have for our horses is cutting hay and hauling. That country is not adapted to agriculture, because there is not enough moisture. If there was moisture there it would be the finest agricultural country in the world.

Mr. RUCKER. I suppose that land that would produce blue grass would produce corn?

Mr. HILL. Well, there seems to be a difference in the grass in that respect. The salt grass will grow on what we call the bottom lands, and it is the richest fodder that I have ever seen, and I have had some experience in the entire West.

Mr. MILLER. What is the population of your county, Mr. Hill?

Mr. HILL. Well, I could not tell you correctly. I could only give you a general idea. There are a few towns along on the eastern side of my county—my county is 100 miles long—

Mr. MILLER. How wide is it?

Mr. HILL. All the way from 20 to 40 miles wide.

Mr. MILLER. About what is the population? Just give us a guess.

Mr. HILL. Well, we have a little over a thousand votes, and I suppose you would estimate about one vote in five; isn't that it?

Mr. MILLER. That would make a population of about 5,000 in your county.

Mr. HILL. Yes.

Mr. MILLER. About how much of that county is regarded as agricultural land, that is, that within the 100 miles by 20 to 40 miles?

Mr. HILL. From Oacoma, the county seat on the river, 60 miles west up the Medicine, until last season, they have been able, for the last two years previous to that to raise crops, and they have settled in there quite thickly. Last season there was not a single thing raised from Oacoma clear through to the head of this valley—nothing in the shape of produce. We had two years in which we had considerable rainfall in that particular locality, and that brought people in there and got them to go to work.

The CHAIRMAN. How is the rainfall there now in comparison with what it was when you first went there?

Mr. HILL. With the exception of two years, after I first went there and settled on Dry Creek, properly named, for two years there was plenty of water; that is, for stock. And then for ten years, or not quite that, but up to three years ago, it was perfectly dry; well, I will say for three years it did not rain a drop.

Mr. MARTIN. I have a table of rainfall for all of this country, and I will insert it in this record.

Mr. MILLER. In this county, which you have been describing as your county, how many large ranches are there—large stock owners?

Mr. HILL. Well, I will say that there are not many. There are a few of quite fair size, but the large stockmen have moved out.

Mr. MILLER. How recently have they moved out?

Mr. HILL. Within the last three years.

Mr. MILLER. Is it not true that this territory was very largely occupied by stockmen for the last six or eight years prior to the last two years?

Mr. HILL. It was all used for stock in large and small farms.

Mr. MILLER. Can you give the committee some idea of the number of cattle that have been grazing on that land in that county during the last five years, or during any one year?

Mr. HILL. No, I could not, because it is something that I have never given any attention to. I had not thought of coming here. I suggested two or three days ago, when I heard what the reports had been, that induced me to come and contradict some of the statements in regard to the large influx of population there.

Mr. MILLER. But I am asking you now particularly about the cattle that have been grazing in that county. Is it not true that immense herds of cattle have been grazing on this land during the last five years prior to the last two years?

Mr. HILL. Oh, yes.

Mr. MILLER. What is the reason that these large cattle owners are leaving that country?

Mr. HILL. The principal reason, in my judgment, is that people, like myself, have gone in and taken up tracts of land, fenced it here and there, 10 or 15 miles apart, and have shut them out. When a man goes in there and takes up a quarter section he does not stop to see where the boundaries are, but he fences in all that he can get fenced, and that consequently has been shutting these big men out, and they have been, for the last two years, leasing on the reservation.

Mr. MILLER. Is it not true that they are going out, a good many of them, because they have been compelled by the Government to take down their fences?

Mr. HILL. No, sir; they have not been compelled to take down any fences in our State that I know of.

Mr. MILLER. Now, you say that this blue grass that you have spoken of grows abundantly there, all over that country which you have described. If those cattle are kept off of the country, will not the grass grow in abundance?

Mr. HILL. As I said, in my judgment, if you fence in a section of land and keep the stock off of it for a few years, it will produce a paying quantity of feed, so that a man could make a good living on 640 acres with stock. He could not raise anything else unless the seasons should change.

Mr. MILLER. If rich grass grows there in abundance, what reason is there for people not being able to raise corn, millet, and other rough feed?

Mr. HILL. There is not rainfall enough; there is no moisture. We have a garden, and we are obliged to have a windmill pump water to irrigate that garden in order that we may raise the ordinary household vegetables required. It is utterly impossible to raise any cereals without irrigation.

Mr. MILLER. What is to prevent irrigation if there is plenty of water under the ground, and not very far from the surface—anywhere from 20 to 30 or 50 feet?

Mr. HILL. Well, in the first place, the water that they get is too strong an alkali water, and the wells would not irrigate over one acre of ground.

The CHAIRMAN. I do not want to ask you how much you have fenced, but I would like to get an idea about the others. About how much have they been including in the fencing of these quarter sections?

Mr. HILL. I don't feel as though I could give you an answer, because I have not measured them; it is only my observation.

The CHAIRMAN. A section or two each?

Mr. HILL. Oh, no. I will tell you where they get in their work. They lease a school section, and that school section sometimes is in two or three different townships.

Mr. RUCKER. They take in all the townships that join?

Mr. HILL. They take in as much as they can get around. Of course, I am a modest man; you can see that by my countenance. I took up a quarter section of land on what is called Dry Creek, properly named, and as the country there is very rugged, to follow the lines I would have to go through all these deep cuts, so consequently I went around them. I would not have done it if I had not had to do it.

The CHAIRMAN. Gentlemen, I have received a telegram from Sturgis, S. Dak., which is as follows:

[Telegram.]

STURGIS, S. DAK., *January 16, 1905.*

Hon. JOHN F. LACEY,

House of Representatives, Washington:

Majority disinterested men here oppose section homestead law under Kinkaid act. Has had thorough test.

WESLEY A. STUART.

The CHAIRMAN. We have also this morning received a report from the Department of the Interior, signed by the Commissioner of the General Land Office, which I would like to read to the committee.

(Reads):

DEPARTMENT OF THE INTERIOR,
Washington, January 17, 1905.

The CHAIRMAN OF THE COMMITTEE ON PUBLIC LANDS,
House of Representatives.

SIR: In reply to your communication of the 13th instant submitting to this Department for information and suggestions in connection therewith, H. R. 15587, entitled "A bill to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota," I hand you herewith copy of my letter of even date to the chairman of the Committee on Public Buildings and Grounds of the Senate, reporting on S. 5800, of which House bill 15587 is an exact copy. For the reasons set forth in said report I have the honor to recommend that H. R. 15587 do not pass. The apparent clerical error in line 3 on page 2 of S. 5800, referred to by the Commissioner of the General Land Office in the inclosed copy of his letter of the 11th instant, will be found in H. R. 15587 in line 5, page 2.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 11, 1905.

The honorable SECRETARY OF THE INTERIOR.

SIR: I have, for report in duplicate, Senate bill 5800, entitled "A bill to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota." This bill proposes to authorize homestead entries of 640 acres on all unreserved and unappropriated lands situated west of the Missouri River in the State of South Dakota which are not susceptible of practicable irrigation. The lands affected by this bill are included in the counties of Butte, Custer, Fall River, Lyman, Meade, Pennington, and Stanley, which embrace a total of 10,103,338 acres, of which 2,383,010 are classed by the returns of the surveyors as grazing lands; 4,294,502 as agricultural and grazing lands; 689,630 as partly hilly agricultural, grazing, and timbered lands; 1,505,788 acres as partly hilly and part prairie, mineral, agricultural, and timbered lands; and 833,621 acres as agricultural, grazing, mineral, and timbered, partly mountainous. These lands are bounded on the east by the Missouri River, and for a considerable distance on the south by the White River, and an examination of the official map of that State shows that there are a number of streams running through the territory which it is proposed to make subject to entry under this bill, notably the Little Missouri, Grand, Moreau, and Cheyenne, with their tributaries. From the final commutation proofs already made for lands in this section it is evident that much of these lands is used for grazing purposes.

In the judgment of this office this bill should not become a law for the following reasons: It proposes to allow entry of all lands embraced in a large scope of country which are not irrigable, regardless of the fact that many of them may be susceptible of profitable cultivation without irrigation, while others may be valuable for timber. If this bill becomes a law, its operation should be limited to nonirrigable arid lands, and in my judgment such entries should not be allowed even on lands of this class until after the lands have been inspected in the field and designated and set apart by your Department as being lands of that character and subjected to such entries.

The act of April 28 last, known as the Kinkaid act, which authorized entries of 640 acres in western Nebraska, is the first legislation of this character, and it has not been in force long enough to demonstrate the wisdom of its passage, and the facts which should encourage further legislation of this character are not yet apparent from the operations of that law. It would seem to be wise, therefore, to defer the enactment of other laws of this character until the wisdom of that act has been fully tested.

Another objection to the pending bill arises from the fact that it is local in its application. If legislation of this character is wise it should, in my opinion, be general in its nature and not limited to lands in particular localities, since

laws of that kind lead to confusion both in their administration and in the minds of intending settlers, and make it necessary for each homesteader to acquaint himself with the provisions of the particular act applicable only to particular localities. If it is wise that entries of nonirrigable arid lands should embrace 640 acres, there should be a general law enacted which would apply to all lands of that character regardless of their location.

If this bill is to become a law its first section should be amended by inserting the word "not" after the word "can" in line 3, on page 2, if it is a fact that that the word does not appear in the bill as originally introduced. The context would seem to indicate that its omission from the copy of the bill submitted for my consideration was merely a clerical error. In my judgment, that section should also be amended by inserting the words "one hundred and twenty days" in lieu of the words "sixty days," which appears in line 3, on page 1 of the bill, for the reason that it is not believed that sixty days would afford your Department sufficient time within which to make the field inspection necessary for the purpose of designating and excluding from the lands mentioned such portions thereof as may be irrigable. In my judgment section 2 of the bill should be amended by adding after the word "entry" in line 9, on page 2, the words "of lands within the territory affected by this act." This amendment is suggested because as the section now reads it would authorize additional entries of 440 acres or more by any person who has heretofore made a homestead entry of any public lands, regardless of where such lands are located. There is an apparent reason why an entryman who has acquired title to lands of a like character within the territory mentioned should be allowed to make an additional entry in order to put him on an equal footing with others who now enter 640 acres of such lands, but it is not seen why an entryman who has already had the full benefit of the homestead law and acquired title to 160 acres of good agricultural land outside of this district should be given any more right to enter lands within this district than he would have if he attempted to make entry of lands outside of it.

General provisions have already been made by the acts of March 2, 1889 (25 Stats., 32), December 29, 1894 (28 Stats., 599), June 5, 1900 (31 Stats., 267), May 22, 1902 (32 Stats., 203), and April 24, 1904 (33 Stats., 527) whereby persons who come within the provisions of those acts would be entitled to make second entries, and no reason is seen why such persons could not invoke the right given them by these statutes to make entry of the lands affected by this bill if it should become a law. In my opinion section 4 of this bill should be amended by adding after the word "rebellion" in line 15, on page 3, the words "or during the war with Spain or the Philippine insurrection." It has heretofore been the legislative policy to extend to the soldiers named in this suggested amendment the same rights and privileges as those enjoyed by the soldiers of the war of the rebellion.

In conclusion, I will say that after a careful consideration of the whole matter, I do not think that this bill should become a law, and if any legislation of this character is to be enacted at this time, it should be general in its provisions and authorize entries of this character to be made only after the lands subject thereto have been designated and classified by your Department.

Very respectfully,

W. A. RICHARDS, *Commissioner.*

Mr. MARTIN. I would like to have the committee hear Judge Kinkaid now.

The CHAIRMAN. You may proceed, Mr. Kinkaid.

STATEMENT OF HON. M. P. KINKAID,

a Representative from the State of Nebraska.

Mr. MARTIN. Please go into your subject as you care to, Mr. Kinkaid, but especially we would like to have your views as to whether the Kinkaid law in Nebraska has resulted in the establishment of permanent settlers, and also whether legislation of this kind has shown by experience to be likely to place these lands in the hands of large cattle companies as distinct from the home builders.

Mr. KINKAID. Mr. Chairman and gentlemen, the homestead question has not been a hobby of mine at all. I was elected without being pledged to any plan for the solution of the public-lands problem. I say problem, because a great difference of opinion had existed for some time in my district before I was elected a member of this House. And it had become such an active question that a member of Congress would have been held to be derelict in his duty if he had not undertaken to solve it in some way.

A very creditable expose has been made of the merits of the proposed legislation by Representatives Martin and Burke, Senator Gamble and Senator Kittredge, and other gentlemen are to be heard in support of their bills introduced for a like purpose, and the time of your honorable committee being very limited I shall not enter into a general discussion of the subject, but shall be pleased to respond upon such points as may be called to my attention concerning the operation of the 640-acre act in Nebraska.

In a general way, there were two classes interested, one the large cattle interests and the other the mass of the people in general, both in the country and in the towns. The quarter-section homestead privilege had resulted in the acquisition by the large ranchmen of ownerships of considerable size. I recall now an instance of one ownership of 55,000 acres of deeded land, and that was three or four years ago, but this is the largest single ownership of which I have learned within the area in question. A considerable percentage of the lands which were patented during the last several years—say the last five or eight years—were soon disposed of by the owners, most of them being bought by large ranchmen, and I deem it fair to say that the operation of the 160-acre homestead law had been resulting in the acquisition of large ownerships, for the reason, very well understood by those acquainted with the country, that a one quarter section can not be made to support a family. Whether such homesteads should be taken in good faith or with the express purpose of selling them so soon as the title should be secured, the entryman was likely to be convinced before the issuance of his patent that it would not be profitable to him to continue to try to make a living on one quarter section.

I am strongly convinced, logically and by observation, that while it is likely that a small percentage of the 640-acre homesteads may be disposed of soon after title shall have been acquired by the entryman, the percentage which will fall into the hands of large owners will be far less than that under the operation of the 160-acre law. Because of the increase of the area fourfold the ability of the entryman to succeed has been multiplied at least fourfold. So far under the operation of the 640-acre act in Nebraska the circumstances attendant upon the same are very convincing to the casual observer that the purpose of the entryman is to acquire title for his own use and for the purpose of a home in the true sense. Prominent among these features is the general make-up of the entrymen, and the calculations and preparations they are making for permanent improvements, and the improvements they have already made.

The number of entries in the six land offices which I represent—there being one land office outside of the district—I will not detain you by reading each of them, but the aggregate was over a month ago 9,337 entries, so at the same rate it would be between eleven and

twelve thousand entries now. They (the entries) average something like 500 acres. I have made a rough estimate of them. They range from 80 acres to 640 acres, the limit. Now, the land offices have just been driven with work. The officials of the land offices are worn out, greatly fatigued from overwork. Usually the land office position is one of the most desirable of any of the Federal positions available near our homes in the West. The regular working hours are from 9 a. m. to 4 p. m. Before this 640-acre Nebraska act had been passed the officials and one clerk could perform the work of any of the offices, but since the act went into operation it has required one or two extra clerks in all but two of the large offices.

Now, as to what the people think of the merits of the 640-acre act, here is a letter just received from a homesteader residing in my friend Mr. McCarthy's district. He is a well-to-do man, and I want to read you just a little of what he says:

Do you not hold it (I do) to be inimical to the best interests of the people of that portion of Nebraska affected by your special law that any measure providing easy commutation of those lands should be enacted by Congress; would it not practically annul the purpose of the special homestead act? In fact, leave that portion of the State in a worse condition as to cattlemen than before? I have made entry of a section of that land, and while much poorer than other portions, I hope to convert it into a home in fact, secure the location of public roads, establish public schools, and grow into neighborhoods in accordance with what I conceive to be the original purpose of the law.

Now, I want to read from this clipping from a leading Democratic county paper in my State:

This law is of great and far-reaching interest and importance to western and northwestern Nebraska, a section of the State which has hitherto been slighted by those who, wanting something better, have gone farther and fared worse by so doing.

And also—

This will make a homesteader a ranchman in his own right and with land enough to do quite a bit of stock raising all by himself.

This is a zealous advocate of the merits of the law. Now, I have a letter here, received last night, which is written by the register of Broken Bow United States district land office. It is written about the transfer of one of the clerks, so that what he says comes in incidentally here, and I will read it to you as bearing upon this question:

We see in the World-Herald a statement of reported fraudulent entries under the Kinkaid bill, it being averred that the stockmen rushed in their cowboys prior to the passage of the law in order that they might get the benefits of the additional entries with increased amounts. Speaking for this office we can say, and think the records will verify it, that such a statement or report has no foundation whatever, and thinking it might be a matter you would like to be informed of, we submit the entries made in 1903, as follows:

Here the number of entries follow. Then he goes on to say:

Any further information you may want at any time that will be of any assistance in helping you to meet the charges that may be made as to fraudulent or dishonest entries, or anything that will make the Kinkaid Act unpopular can, I think, be met and refuted by the records.

I indorse that proposition.

Mr. LIND. Will you allow me a question at that point? It was stated to me night before last by an official connected with the Geological Survey, that he was reliably informed that in some instances,

of course I don't know in what portions of the country, the cattlemen had actually secured quite a number of homestead entries to be made in compact bodies, and had fenced in the whole tract, several thousand acres, embraced in these homesteads. Now, that may be true, or it may not be true; although this gentleman claimed to have personal information. If that is true, ought we not to amend the Kinkaid Act so as to require the making of improvements and the return annually to the Land Office of a statement of the improvements made.

Mr. DIXON. I think that is a good suggestion.

Mr. MARTIN. I thought of that proposition in connection with this bill.

Mr. DIXON. While you are on the question of fraudulent entries in Nebraska, I will say that I have a Montana paper, received this morning, containing a communication from Washington discussing the merits of Mr. Martin's bill. It is not an Associated Press dispatch, although it is printed as such. It says:

Statements come from Nebraska that cowboys had in advance secured filings on 160-acre tracts, and that those people in addition took the 480-acre tracts for the benefit of the employers, while the real settlers took the second choice.

Has there been any abuse of law in that respect?

Mr. KINKAID. Yes; but I will endeavor to answer Governor Lind's question first. I have not heard of any such occurrences as those that you describe about the cattlemen securing entries per cowboys in a body and fencing it. I have heard some statements that perhaps there were some fraudulent entries here and there, but I have heard nothing of the kind you mention. I should want proof of it before I would be convinced that anything of that kind was possible or practicable. I have no doubt but that there will be some fraudulent entries disclosed.

Now, as to Mr. Dixon's question about the cowboys making entries of 160 acres before the act took effect. The records show that it is not correct. There were a few such entries between the date of the passage of the act and the sixty days thereafter when it went into operation, but they exhausted their homestead rights entirely and were deprived of taking the 480 acres additional. In my own district real-estate agents and land-office attorneys, and in some few instances the land-office officials, advised that that could be done; that by taking a quarter section after the passage of the act and before it had gone into operation they would thereby gain the right to take three quarter sections in addition, and thus to make locations to advantage.

The CHAIRMAN. The assumption has been made, although I have not had occasion to look at the Kinkaid act recently, that a man who has a quarter section has a preferential right in three adjacent quarters. Is there some provision of that kind?

Mr. KINKAID. Yes, sir; that is, the man who owned it at the time the bill was passed, but it is very much restricted. I have introduced a bill recently to restore the rights of such entrymen who in good faith, under the advice of the real-estate agents, lost their rights under the 640-acre act. I gave out an interview in the dailies warning the public in relation to the matter, although it did not reach all, of course, I gave that interview out at once, because I apprehended that such instances might occur. I did my best to prevent it, and succeeded in cutting it off largely.

Mr. MARTIN. You live in one of the largest land districts in that section?

Mr. KINKAID. Yes.

Mr. MARTIN. From your practical observation, who is getting the benefit of it, the actual permanent settlers or the large cattle owners?

Mr. KINKAID. There can be no question about the satisfactory operation of the law and its operation in the interest of the masses in all that eastern end of the district where I reside. There were no large cattle interests there, in the sense that you understand large cattle interests, so the old homesteaders have gotten most of it. Its operation in favor of old homesteaders and their sons and daughters has been a very gratifying feature of the act. These settlers who located early have endured the vicissitudes of the country, and they have taken their additional three quarter sections, and their sons and daughters can go out and get a section apiece, and enjoy their birth-right, as it were; and they are more entitled to it than anybody else. The others are a well-to-do and a very fine class of people, who come in from Kansas and other States—more from Kansas than any Western State that I know of—and I am not flattering the Kansas delegation when I say that.

I happened to take a train one morning when they were leaving just after the rush, and there was a car nearly full of Kansans. I was surprised to see such a superior class of men—farmers—and you could tell from their appearance that they were well-to-do. I inquired about them from the agents who had located them, and they informed me that most of the party had come from Kansas. Some of them were past middle life, and thought they would go into the stock business and quit the more laborious work of cultivation of the soil.

The CHAIRMAN. What do you mean by agents locating them?

Mr. KINKAID. Telling them where to go to get a location. I do not mean that any person brought them in there. I mean that local men, acquainted with the country, took charge of them. There were a lot of them engaged in that business for a short time during the rush.

Mr. LIND. Locaters?

Mr. KINKAID. Yes.

Just let me read a little further from the letter that I was reading last:

So any information you may desire relative thereto we have only to be informed of and it will be cheerfully given. In fact, one of the most prominent Populists, who had formerly been most vigorously opposed to your election, a lawyer in Whitman by the name of Smith, informed me on Memorial Day that his faith in the beneficent workings of the bill, so far as it pertained to helping the poor man in his efforts to acquire a home, were so strong that he unhesitatingly pronounced the Kinkaid bill the most enduring monument to your memory that could possibly have been devised. Viewed from the present standpoint we are inclined to the same belief.

Now this gentleman is holding his third term, and was named for Congress a number of years ago, running during the high tide of Populism. He was given the land office position, I suppose, because he has been an efficient officer. He is one of our most reliable, highly esteemed, and conservative men in the State.

The CHAIRMAN. There is one thing that I would like to know about the actual workings of the Kinkaid Act. About 4,000,000 acres have been taken.

Mr. KINKAID. Fully five, now.

The CHAIRMAN. What proportion of these people have gone in and actually put on the filings and occupied the land? Are most of them waiting until the middle of March or February, when the six months expire?

Mr. KINKAID. There is a percentage of them that have been waiting until the six months expire. I am receiving letters about it every day. The letters which I am receiving form a pretty good criterion for me to make an estimate upon. Some of them are waiting to see if I might get a bill through to extend their time. I assured them through the dailies some time ago that there was no use in waiting.

Mr. MARTIN. Can you give your estimates?

Mr. KINKAID. I suppose nearly all of them will be on the lands in due season, that is, within the six months. I have personal observation of a very large percentage who commenced their residence early last summer.

Mr. MARTIN. Perhaps it would be of interest to consider this. I wrote to all the land offices in Judge Kinkaid's district some time ago, asking the number of filings and the proportion and number that were extensions of filings already there; also the proportion of new filings, and the best judgment that I can arrive at from all the figures that they have given me is that about one-half of these filings have been from persons who were there and extended the amount of their homestead, and about one-half are new.

Mr. MILLER. Is it true that many of these entries have already been held up because it is believed they were fraudulent?

Mr. KINKAID. I don't know of any. I should think it would be a very good practice to prevent fraud, and to meet such exigencies as pointed out by Mr. Lind, that the Department have special agents look after this matter. The friends of the measure wish a vigilant administration concerning fraudulent entries. In my humble judgment the way to meet that is by having special agents go and examine, and I would suggest this kind of a provision. That they be allowed to make an investigation and declare an entry fraudulent before the expiration of five years, before the time for final proof.

Mr. LIND. No amendment is necessary, the land office has that power now.

Thereupon, at 12 o'clock noon, the committee adjourned to meet again on Friday, January 20, 1905, at 10.30 a. m.

COMMITTEE ON PUBLIC LANDS,
Friday, January 20, 1905.

The CHAIRMAN (Mr. Lacey). We have not a quorum as yet, but as this is a matter for hearing we can go ahead as in subcommittee. I think that a quorum will develop a little later. We lack only one of a quorum now.

STATEMENT OF HON. FRANK W. MONDELL,
A Representative from the State of Wyoming.

Mr. MONDELL. At the last session we passed a bill making the area of homestead in western Nebraska 640 acres. During the discussion of that bill, and it was discussed purely as an experimental measure

covering a limited territory, and in making a report upon the bill, I attempted to express the opinion of the committee, as I understood it, that this was purely experimental and should not be understood or taken to be a precedent for future action along that line.

I am not here to oppose or to say that there is not some virtue in the principle of a grazing homestead. A great many very able men, and men who have had much experience in the West and who know conditions there, have urged for some years a grazing homestead, to apply and be limited to the purely grazing lands of the West—those that are nonirrigable and those that by no possibility could be made to produce a profitable crop without irrigation. But it has always been a great deal of a problem as to how to arrive at a determination of what constitutes purely grazing land. A classification of land has been suggested at one time and another, but no such classification has been undertaken, for many reasons; first, because the public domain is very large and the cost would be very great, and, second, because it is practically impossible for finite wisdom to classify the lands of the West.

Men who have lived in the West for a great length of time have to admit that their views change with the changing conditions and development there as to the possibilities of developing certain lands. Now, the best classification, the best possible classification, is a classification by selection which we had in western Nebraska, where successive waves of homestead settlers passed over the country, taking up every quarter section, as they understood, that by any possibility could be utilized as a home and the nucleus of a business in the semiarid region in the western part. It seemed generally understood by the settler, as it is in all that grazing country of the West, that the benefits of his 160-acre homestead are to be augmented by the utilization of the public grazing lands adjacent to them. But for thirty-five years settlers crossed these lands and took up homesteads, and practically took up all the land that was held at this time to be adapted to agriculture without irrigation, that which is grassed sufficiently so that it will produce a fair crop of native grass, or that which is so situated that with the utilization of the surrounding range it is possible to maintain a home.

Now, the conditions in this area over which we extended this law are very simple. These lands are nontimbered, nonmineral, with the exception of the valley of the Platte River, which was easily segregated from the main tract; and nonirrigable in the sense that a great deal of the western country is irrigable in a small way, because there was very little territory where it would be possible to impound water for the irrigation of small tracts, a great portion of the land being sand hills—land that would not hold water. So that if there was any place in the United States, I felt, and I think that was the thought of the committee, where it might be possible to make the experiment of a grazing homestead without any special danger or retarding development, and in the hope of inviting further settlement, that region was western Nebraska. And so we passed the bill as a tentative experimental measure.

Now, in the first place, many members of the committee, I have no doubt, felt just as I did at the time, that we are not really certain about the wisdom of this measure, but we are willing to make the trial in this locality of nonirrigable, nontimbered, nonmineral, semiarid

lands. But I still feel, as I did when we passed the bill, that at least we should go along no further on these lines until we have had a demonstration of what the effect of that legislation is going to be over the region to which it applied. Sufficient time has not elapsed to enable anyone to form anything like an intelligent judgment, or opinion, as to what the effect of our 640-acre homestead in western Nebraska will be. The fact that a great deal of land was filed upon is, in itself, in no sense, a demonstration of the wisdom of the law. It may prove to be evidence of the unwisdom of the legislation.

Now, it so happens that I have had a good opportunity to inform myself as to what the effect of this legislation has been so far as any one knows the effect of it up to this time. It applies to this territory [indicating on the map of the United States]. Coming to Washington, going to Omaha, going south or east from my home up here [indicating] and traveling diagonally across that territory some 250 miles; then going to Denver and traveling through the western portion of that section of the country; then going into the central portion of my State and traveling over the northwestern portion of it, and then coming to another part of the central portion of my State and traveling some 150 miles through that territory, and then west. I do not claim to know anything about conditions there by reason of having been in the territory off the lines of the railroad, but I have, ever since the law has been in operation, traveled a good deal over that territory over those railroads.

I have stopped off in three or four of the towns by reason of delayed trains, not that I had any desire to do so, at Crawford, Alliance, and other points, and during the time of my stay in those towns I have talked with people in that vicinity of that region with regard to it—at such places as Sidney, Alliance, Crawford, Hyannis, and one or two other towns in that region. I have scanned the horizon carefully from the railway train traversing that country many hundreds of miles for some sign of a new habitation, some claim shack, and up to the time of my trip to Washington, at the beginning of the session, when I traversed the territory diagonally, I have not seen, neither have I found any one who has seen, any new settlement within this region. I do not mean to say that there are not houses there—

Mr. SHIRAS. Which region do you refer to?

Mr. MONDELL. The region covered by the Kinkaid law.

The CHAIRMAN. Would you, Mr. Mondell, naturally have expected to find any evidence of the settlement of claims which have only been filed upon within the last few months, and having six months yet within which the claimants could take possession?

Mr. MONDELL. I will say to the gentleman that from a long experience, a life-time experience, in the West, I should have expected some immediate evidences. It is true that a homestead settler can not always, or can not in many cases, go upon his land immediately after filing. He usually has a tract of land somewhere else; he has business affairs to settle up, and it is impossible for him to go on the land. But it is also true that wherever there is any considerable amount of bona fide settlement by entry, a good many of the entrymen move upon their land immediately after filing, and it is a rather extraordinary fact that in this region, so far as I was able to learn, practically every entryman was taking advantage of the extreme limit of the law before making any attempt whatever to make his settlement.

Mr. MARTIN. Would you conclude from that that the Kinkaid law gave too much land or too little land to the homestead settler?

Mr. MONDELL. Well, I don't know that I am ready to conclude; I should want another summer to form any kind of an intelligent opinion as to what the effect of that law has been in western Nebraska. Our intent was to encourage settlement, to place some new homes there, as I understand it. That, at least, was my intent, when I voted for the bill and suggested some of the amendments to it. Now it is possible that there is a condition in western Nebraska that absolutely prohibits and precludes any further settlement.

It may be that this law will demonstrate that there is no opportunity for the building of more homes in this region; that the territory is of such a character that men can not support a family on 640 acres, and that there are practically all the people in that country that it will support; and that therefore the law was used simply to obtain title to the land that the settlers there were already using. And if that should prove to be the case I do not say that the law, even then, would not be a wise one, because if you have a condition where the country has all the population it will sustain, and can not sustain any more, then I think we must, in the course of time, prepare some legislation to gradually pass the not too large areas of purely grazing lands remaining into the hands of the people who are in the region, in order that they may pay their share of the taxes of the country and help support its institutions.

But before we extend the 640-acre law, or a 1,280-acre law, if we ever extend them, to other regions, we ought to have a fair idea how the law works in the region over which we have already extended it. But, as I say, in my opinion, no man can at this time form any intelligent idea as to what the effect of that law has been; nor did I expect, when I voted for the law, that it would be possible at this time to form an intelligent opinion as to the wisdom of its enactment. I expected that it would take a year or two to do that. We may get some valuable lessons from the workings of the Kinkaid law in western Nebraska relative to many important questions connected with public lands. But when we come to the proposition of extending that law, without having had an opportunity to learn what its effect has been in the territory to which it has already been applied, and extending it to other vast areas of a different character, then we are not extending the Kinkaid idea, but we are simply launching out in an entirely new field; we are proposing an entirely new thing, and we are not acting upon any information that we have received from the operation of the laws that we have already enacted. We are simply, without any further information than we had a year ago, extending this principle of the grazing homestead to vast areas of land. And what is the character of those lands?

I am speaking now of all the bills that have been introduced, proposing to extend to South Dakota and to Colorado these further privileges; and I am very much interested in these measures, first, because I have an interest in all public-land questions; and, second, because they bring the operation of this law to the territory of my State on two sides, and their effect, good or bad, will reflect largely on my State.

Now, first, we propose the extension of a law without knowing how the law has operated, without having had an opportunity to know, to

territory very much larger, vastly different in character, and very differently situated with regard to selection by settlement from the lands that may be utilized in 160-acre tracts in the territory over which we already extended the Kinkaid act.

Mr. SHIRAS. If that is the case, is there any use in waiting to see the operation of the act, if the other portions of the land are different?

Mr. MONDELL. My idea is, and always has been, that if we ever extend the grazing homestead theory and policy further over the public domain, it would be necessary, by reason of the character of the public domain generally, to extend it piecemeal. There are some laws that apply reasonably well to all portions of the public domain. The great trouble with all of our public land laws is that a law which works well in one place does not work equally well in another, and a law that is practically a failure in one region is a very wise law in another region. That largely accounts for the great difference of opinion that men have as to the wisdom of certain land laws. It depends upon the territory in which they have seen the law operate and the view they have had of the effect of the legislation. I may be very much mistaken in my view of the wisdom of a certain law, if I have seen that law operate well, in my opinion, where, it would work exceedingly well. There may be other regions where it would not work well at all, and of which I have no personal knowledge. But my judgment is based necessarily upon the operation of the law in the regions where I have personal knowledge.

The CHAIRMAN. I would like to ask you a question in this connection of location. There have been very strongly presented to me in two different forms objections to this law. It is objected to on the one hand that the big cattlemen want to get control of all that country out there by multiplying the chances of taking it up under homestead by four. Then there comes the statement by others that the big cattlemen are opposed to this law bitterly, and fighting it in all sorts of ways, because they think that if they do not have such a law they may get control of all that country without paying any taxes. Of course we can not reconcile those two positions.

Mr. MONDELL. I do not want to impugn any man's motives in connection with this legislation, because we have had altogether too much of that kind of thing in regard to land legislation. I know, and every member of this committee knows, that every member of Congress who has introduced a bill proposing to extend these laws over his State believes that it means development, believes that it is the best thing for the people of his State, and honestly advocates his bill. I know that an infinite number of honest people are for the bill, but it is a question of difference of view with regard to these matters.

Now, as to the people who are urging these measures—I don't say urging, because I have not understood that there is any tremendous sentiment—but I will say to the gentleman that both of the propositions that he has stated are true, so far as men favoring either passively or actively legislation of this kind in the States. That they have affected all the men who are advocating this measure by their views, I do not believe, but it is natural that men in the locality will favor or oppose all land legislation largely as it appeals to their interest. I have no doubt but what there are some large cattlemen who, if they were asked their opinion of the matter—and I doubt whether

any of them at this time have expressed much of an opinion upon the subject, because it has not been much agitated—they would be the class of cattlemen who have not in the past gotten control of much land.

I suppose there are some who want to remain in the business, and who feel that they can not remain in the business without anchoring themselves to the country a little better, and who might believe—I do not believe that there is much in their belief in that territory—that a law like this would enable them to get control of additional lands. I understand that it is urged that this would not enable men to get control of large areas of land. That depends altogether upon the conditions in the locality. None of our land laws, none of the penalties of the land laws, are self-enforcing. You have a perfect operation of the land law in one place, and all sorts of evasions of its terms in another. Where land is of any considerable value, and men are anxious to get it, the contest feature of the land laws enforces them; and as a matter of fact it is very difficult to enforce any kind of a land law over a large territory if the land to be filed upon is not of some value to somebody, or to more than one individual, because where there is no contest a man can as well violate the law five years and with as great impunity as he can violate it one.

A five-year homestead does not necessarily mean that there would be a large amount of land, I would not say fraudulently but in evasion of both the letter and the spirit of the law, obtained. Where lands are of any considerable value, contests prevent men from obtaining them through violations of the laws. So that the cattleman who has gotten a foothold in the country does not want to move out, and he might believe that the law would help him to secure additional lands, and he would possibly favor it. On the other hand the cattleman who has already acquired a sufficient foothold so that he can not be greatly disturbed, who already has a considerable amount of land would, in my opinion, not be in favor of the extension of the law, because he would be afraid that it would encourage settlement in the regions which he uses. So that I think you might find those gentlemen on both sides of the question.

To return to the question as to the character of lands in the country over which we propose to extend it I will say that in the first place we have not had the selections, the classification by selection, in either Colorado as a whole or in Dakota as a whole, that we have had in Nebraska. Nebraska was on the highway of western travel. Men going west over the old overland trails traversed the entire length of this territory over which we extended the Kinkaid law. The old Denver trail, the old Sweetwater trail, and the old Montana trail all crossed this territory, and all of the roads leading northwest crossed it. It is crossed by two or three lines of railroads, settlement has extended and swept over it in successive waves, and practically everything has been taken up that is of any considerable value or considered of any considerable value, as well as a great deal having been entered in years past which was afterwards surrendered.

That was the condition in western Dakota in the first place, and western Dakota has not had such large settlement by reason of the fact that the great Indian reservations and the nonexistence of railroads, have placed barriers there, and there never has been travel westward through western Dakota. That travel in that territory has

come from the south along the trails leading into the Black Hills. All that have come in from the north have been the cattlemen coming from Miles City, and that territory.

Now, I do not pretend to know more about, or anything like as much about, the territory of my friend from South Dakota, than he does. I will say this, that last fall in the campaign I very thoroughly visited a county in my State that lies against the State of South Dakota, Crook County, which is nearly one hundred miles square. It is a county that is nonirrigable, and there are no running streams to amount to anything. It is impossible to irrigate, but it is a country of peculiar topography, and good soil.

Fifteen years ago it was a cattle country exclusively. At the town of Aladdin, where I stopped during the campaign, six or eight miles from the Dakota line, they were loading three or four car loads of wheat a day, and had been for some time, and expected to for some time later, and grown in that region, dry, as we call it; and yet in the country of western Nebraska I saw no sign of settlement. On the slopes of the Bear Lodge Hills, and the country along the Belle-fourche, right up to the Dakota line, and all through, the country was dotted with new houses and in nearly every instance they were frame structures, and houses costing several hundred dollars.

The CHAIRMAN. Was that wheat you referred to winter wheat?

Mr. MONDELL. Winter wheat. Now we are learning a great many things about agriculture in that country, and very rapidly. We are learning the territory where it was utterly impossible or supposed to be, a few years ago, to grow anything and where it would have been impracticable to grow anything by reason of lack of markets, and there we are developing successful farming communities. Fifteen years ago I went into northeastern Wyoming, and it became necessary in order to supply the men that I employed with vegetables, and in order to secure grain for our teams, to grow something, if it was possible. I began to dabble in agriculture, and the cowboys used to have a great deal of fun over our efforts. It was considered a funny thing, and it was the standing joke of the country. But we increased our holdings until one year we raised 24,000 bushels of grain, dry, and in a country that nobody believed, up to that time, there could be anything grown. We shipped the only wheat that had been shipped out of Wyoming to Chicago up to that time, or within a couple of years, and the only rye that had ever been shipped.

Mr. MARTIN. Aladdin is in the Bear Lodge Mountains?

Mr. MONDELL. On the slope, in the rough country.

Mr. MARTIN. Do you know what the rainfall is there?

Mr. MONDELL. I should say about 18 inches. Now, from that development there has extended through the northern part of the county in which I live a development, an agricultural development, which has covered a country in my county 25 miles long and 12 miles wide; and at least two-thirds of all the quarter sections of land in that region are now farmed. Everything is farmed, that is not required for timber.

The CHAIRMAN. About how much wheat will that land produce in one year?

Mr. MONDELL. It will produce all the way from 18 to 35 bushels of wheat per acre. Rye, which is the most certain crop, is produced in quantities of from 20 to 40 bushels to the acre.

The CHAIRMAN. Do you raise a fairly sure crop?

Mr. MONDELL. Absolutely sure crop of rye; I have never heard of a failure—winter rye. The crop of winter wheat is practically secured. In that region I now refer to we have never had a loss of winter wheat. The spring wheat is sometimes nearly a failure. They are beginning to put out oats in the fall, and they produce large crops of oats in that way. The Agriculture Department has found a winter oat somewhere in southern Russia that we are using; and we also are using the ordinary oats, sowing it in the fall and raising good crops. I just mention this as an illustration of the changes that are taking place, not in the climate, but in the people; not in the character of the soil, but in the knowledge of the possibilities of the soil.

Mr. MARTIN. I do not want to interrupt your statement, but we desire very much to conclude our hearing to-day. Considerably over half of the time has been taken already; but, as I say, you can take all the time you want, only I hope we can conclude to-day.

Mr. MONDELL. I would like to have fifteen minutes additional.

Mr. REEDER. I would like to have ten minutes if you can spare the time.

Mr. MONDELL. I do not want the committee to understand that I am one of those particular people—and we occasionally find one in our country—who suddenly comes to the conclusion that we have all been mistaken about the Western country being arid, and it being impossible to raise crops over a great portion of it without irrigation. I hold no such views as that. But my experience has satisfied me that in all the sections of the Western States that are hilly, or contain mountains, like the territory in the Black Hills, and where there is a very considerable difference between the topography of one portion of the country and the other, and in the character of the soil, that you will find many areas within which farming will ultimately be carried on without irrigation.

Mr. FORDNEY. What percentage of territory is suitable for grazing or agricultural purposes that this bill proposes to cover?

Mr. MONDELL. It proposes to cover South Dakota, as I understand it. There is a bill proposing to cover Colorado.

The CHAIRMAN. And also Montana.

Mr. MONDELL. Now, I believe, first, that the territory in South Dakota lying adjacent to the Black Hills, which is now farmed to a very considerable extent without irrigation, will be farmed to a very much greater extent without irrigation in time to come; and that to pass a bill making the homestead 640 acres will discourage the kind of development that you need, and discourage it very seriously. And further, in a country like South Dakota, in the future there will be, as there has been in my State in the last two or three years, a vast amount of irrigation from small storage reservoirs.

Our great ranges are being taken up by settlers by the construction of storage reservoirs. In some of the territory the stockmen fondly imagined they absolutely controlled everything because they controlled the bed of a dry stream or some springs. There has been considerable development by settlers—some small stockmen—impounding the waters of a dry water course or draw and irrigating 10, 20, 30, 50, or 100 acres, as well as oftentimes farming a little of the land dry, as well as utilizing the range outside. A great deal of this work will be carried on in a small way in this part of the Dakotas, but there will

be a great deal more settlement and dry farming. In other words, classification by selection has not been accomplished in that State to the extent that it should be before any grazing-homestead law is passed. We have not gotten to the point where this territory is all grazing land, irredeemable and irreclaimable. Some of the land in this territory is of that character, but the entire land is not of that character. It is unwise to extend a law over that territory that applies to lands of that character.

Now, as to Colorado, many men from other States are honestly urging this legislation, believing that it is the best thing for their territory. But I can not hold the same views. I think that in Colorado the objections are still greater. In South Dakota they have some mineral land which makes a law like this more dangerous, although there is not a very great deal of it outside of the Black Hills Forest Reserve, I admit. There is some coal land, although coal land is not held outside to be very valuable; but its presence there makes the passage of a bill like this more dangerous. There are some timbered areas, not very valuable, but their presence makes the passage of a bill of this kind somewhat questionable. But in Colorado we have the conditions that we have in Wyoming—a mineral, timbered, mountainous territory, as well as a coal territory.

Mr. BONYNGE. That does not apply to northeastern Colorado.

Mr. MONDELL. I will say that I understood that one of the bills applied to other territory. But I wish to state to the gentleman that it has always been my idea that when we learned what the Kinkaid bill had done in western Nebraska, and if it seemed to be wise legislation there, and there was another small, limited territory clearly and unquestionably irredeemable grazing land, it might be wise to extend the grazing homestead-policy to that region, and we might find that we ought to make the homestead larger. We may find that 640 is not sufficient to encourage settlement, but that it simply leads to consolidation, and 1,280 acres, on the contrary, would encourage new settlements. Time enough has not elapsed to give us any idea as to how this bill works, even if it proposed only to extend the law to one county in your State, or part of a county in my State lying adjacent to Nebraska. There is a good deal of sentiment for the bill in one or two counties in my State. The time may come when it might be wise to extend the policy, by modifying it as experience might indicate the desirability or wisdom therefor, to these territories of mineral, woodland, and possibly of farming without irrigation. The gentleman from Colorado knows that a very large portion of the agriculture in his State now is carried on without irrigation, or with very little irrigation.

Mr. BONYNGE. Not a very large amount.

Mr. MONDELL. But a considerable portion, perhaps that would be better.

Mr. MARTIN. I would like to say this to the gentleman, that we will discuss the Colorado bill on Wednesday of next week, when it will be made the special order. I would be glad if you would not take up the time of the committee on it now.

Mr. MONDELL. I do not know that I have much more to say on this bill, except that we have not had time to learn as to the wisdom of the Kinkaid law, or the effect of its extension over western Nebraska, and therefore the passage of that bill is a precedent for the passage of

legislation extending that idea over other territory further than it is proposed now to extend it, over a much larger territory and very different in character, a large portion of which in my opinion will be farmed dry some day, and a considerable portion of which will be irrigated by small storage reservoirs, forming the nucleus of a small stock farm, and that, further, considerable portions of it will be irrigated in larger areas by private enterprise. It would be impossible, I think, in Nebraska to eliminate that clear irrigable territory, and very much more difficult to do that in South Dakota; and we find many complications there which we do not find in the Nebraska situation. I thank you very much.

The CHAIRMAN. Before Mr. Reeder begins, I have a telegram from a gentleman in Sturgis, S. Dak., against the bill, and also a letter from some parties in Helena, Mont., which I will hand to the stenographer and ask him to incorporate it in his report of the hearing.

The telegram is as follows:

STURGIS, S. DAK., *January 16, 1905.*

HON. JOHN S. LACEY, M. C.,
Washington, D. C.:

Do not report Martin homestead bill. Will write why not.

W. C. BUDERBUS.

HELENA, MONT., *January 14, 1904.*

Chairman LACEY,
House Committee on Public Lands,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to the attached clipping in regard to the 640-acre homesteads, I would like to make a few observations regarding the same.

I regret very much to note that my friend, Hon. Joseph M. Dixon, Congressman from this State, has introduced a similar bill to apply to Montana. I wrote Mr. Dixon a few days ago, protesting against such a law, and stating my reasons therefor.

The Dixon bill, as reported in the papers, carried a provision that if the Secretary of the Interior had designated what lands might be reclaimed that the remainder would then be subject to this 640-acre homestead act. On the face of the bill the scheme appears fair enough, but in actual fact it would, indeed, be about the most unfortunate act which might be placed upon the statute books, so far as Montana is concerned. In this connection I wish also to refer to the bill introduced within the past day or so by Senator Hansbrough, of North Dakota, which provides that the land adjacent to the Government irrigation schemes be withdrawn from entry and, as I understand it, leased. The remarks which I am about to make will apply to both these laws.

It must be borne in mind that little or nothing, comparatively speaking, has been done toward a complete survey of our western lands to determine which lands may or may not be reclaimed. In the absence of any such survey how are we to select these nonirrigable lands? Again, it has been definitely stated by the Government engineers that they would not feel justified in undertaking the reclamation of a tract of land of less than 10,000 acres as a Government proposition. In nearly every portion of the West men having an intimate knowledge of practicable irrigation will find innumerable tracts of less than 10,000 acres in a body which might be reclaimed by individual or cooperative effort. In either the 640-acre homestead or the Hansbrough laws these tracts would be removed from improvement by reclamation for an indefinite period. Take the great Milk River Government irrigation scheme, for instance. North of that valley there are hundreds of locations where from eighty to several thousand acres might be reclaimed by the construction of reservoir systems which would hold the spring flood waters, or even to divert them at that time upon the land to be reclaimed would produce abundant crops. I am told by a competent engineer that no less than 300 individual reservoir sites had been filed upon in that territory within the past few years, and

I could recite instances innumerable showing actual results of the reclamation of these small tracts, and they are made to sustain large bands of sheep and cattle.

In Senator Hansbrough's own State, on what is known as "The Great Missouri Valley Slope," are to be found innumerable locations where such irrigation enterprises might be built.

Again, the first reclamation undertaken by the Government is going to be that which may be accomplished for, say, less than \$30 per acre. Do you know, Mr. Lacey, that any of this land which it is proposed to reclaim by the Government will after irrigation pay a net revenue representing 10 per cent on one hundred or two hundred dollar valuation per acre?

Is it unreasonable to suppose that after all the land has been reclaimed which might be reclaimed at \$30 per acre, and population has flocked into the West, as it certainly will, absorbing these reclaimed lands, and, in the meantime, as a result of this increased population, the value of land has enhanced to something near its earning capacity, that the Government will not feel justified in continuing this reclamation work, even though it may cost considerable more than \$30 per acre? This has been the history of Colorado, Utah, California, and other States.

I believe it conservative to say that even with the present appropriations made for the Geological Survey that, at the very least, ten years will elapse before we have any definite knowledge of just what can be accomplished by reclamation in the West. In the meantime let us not do anything which will place these lands forever beyond our control.

I understand that the spirit of our land laws is to encourage settlement and development. This certainly can not be accomplished by either of the laws in question. If it is our desire to get rid of these lands as rapidly as possible, then let them be put up at auction at something near their actual value and sold outright, thus doing away with this continual land agitation.

One of the greatest irrigation schemes in the entire world covers that portion of North Dakota known as "the Missouri Valley slope," and a great portion of eastern Montana. It involves no less a project than the diversion of the Missouri River, and, possibly, the Yellowstone, way up in Montana, and by means of a great canal carry it down upon these benches. It is stated that the project is of such magnitude, and the cost, considering the area reclaimed, so great that even our Government should hesitate at this particular time before attempting it, yet, with the enhancement of value of the adjacent lands and the continual addition to the population of these States by immigration, possibly within twenty years the Government would feel justified in undertaking this canal construction, yet, under these proposed laws, this magnificent domain would in all probability be forever barred from reclamation.

The territory in question is larger than the State of Indiana, and with a proper system of irrigation would be capable of sustaining even a greater population.

I do not question the motives of the gentlemen undertaking the passage of these laws, but I certainly do question their judgment. It seems a remarkable thing that even in Montana, where irrigation is supposed to be generally understood, there remains large tracts of land capable of reclamation even by individual or cooperative enterprise. Take, for instance, in the vicinity of Miles City and Glendive, practically nothing had been accomplished in the way of reclamation, and I believe I can say with authority that in those localities will be found tracts of land ranging from 10,000 to 20,000 acres which might be very cheaply reclaimed after they were colonized, and cooperative canals built, and that I am justified in making this statement I will refer you to what has been accomplished along these lines in the Milk River Valley in the northern part of Montana, where I have been active in immigration work and canal construction, and we have now in the neighborhood of 150,000 acres of such land in irrigation, which was accomplished by means of cooperative ditches, at a cost of about \$5 per acre.

Five years ago I undertook to plant a colony near Hinsdale, Valley County, Mont., upon a practically barren tract of Government land. Ten thousand acres has now been reclaimed in that locality, and it is sustaining a populous community, and we would have undertaken the reclamation of another 30,000-acre tract in the same locality were it not that the Government has taken the work out of our hands.

This whole situation might be summed up as the last desperate effort on the part of the old-line stockmen, who have been accustomed to unlimited range for

their comparatively few numbers of stock for many years past, and who apparently have not the faculty of adapting themselves to new conditions.

It is customary in the range country to simply take chances on the winters. Many of our stockmen even to-day refuse to provide any food whatever for the winter months. There is absolutely no disposition on their part to improve the land so that it may yield a greater reward. Naturally, if they can secure land under any method in the proportion of about 40 acres per each head of cattle, this practice might continue for many years to come. On the other hand, if they fail in this they will simply have to retire from the business or undertake the production of feed for the winter months by the aid of irrigation. I am happy to say that in many parts of our State will be found progressive stockmen who recognize the advantages and greater profits to be realized from the proper care of their stock and have undertaken the production of alfalfa and grain crops in order that their stock may be properly cared for throughout the entire year, and I hand you herewith an editorial, which recently appeared in one of our most prominent papers, showing what may be accomplished along these lines.

I have lived in Montana for twenty years, and I hope to live here twenty years more. It has been my ambition to see Montana become a great State. It is for this reason only that I have taken the trouble to write you regarding this matter.

Yours, very sincerely,

W. M. WOOLDRIDGE.

[From the Helena Independent, Helena, Mont., Saturday, January 14, 1905.]

LATEST LAND GRAB SCHEME—EFFORT IS BEING MADE TO ANNUL THE OLD HOMESTEAD LAW—NEW FORM OF LAND GRAFT—PROPOSED TO SUBSTITUTE FOR THE QUARTER-SECTION HOMESTEAD ONE OCCUPYING A SQUARE MILE—SAID TO BE SCHEME TO GET HOLD OF LARGE TRACTS OF LAND FOR GRAZING PURPOSES.

WASHINGTON, January 13.

A form of graft in public lands which has heretofore attracted little attention has been brought forcibly to the notice of the Government. An effort is being made by certain interests, especially in South Dakota and Colorado, practically to annul the old homestead law and substitute for it a 640-acre or square mile homestead. The movement is not in accordance with the homestead idea at all, but is brought about by the desire to get possession of large tracts of land for grazing purposes. In his address before the forestry congress last week President Roosevelt denounced the men who are bent on "skinning the land" instead of "developing the country."

TO EXTEND THE SCHEME.

Near the end of the last session of Congress a bill was passed substituting a square-mile homestead in place of the 160-acre homestead, but was made to apply only to western Nebraska. At the present session two similar bills have been introduced by Representatives Brooks and Martin, applying the same provision to Colorado and the western part of South Dakota.

It is charged that these measures will prove a serious detriment to real settlement and development. The Nebraska law contains a provision that in case a man had already filed on 160 acres as a homestead, he should be entitled to take up an adjoining 480 acres; and statements have come even from Nebraska that cowboys had in advance secured filings on 160-acre tracts and were thus able to take the additional 480-acre tracts for the benefit of employers, while the real settlers took second choice.

PROTEST AGAINST THE BILL.

Chairman Lacey, of the House Committee on Public Lands, has received a strong protest against the Martin bill from Wesley A. Stuart, of Sturgis, S. Dak., a prominent advocate of national irrigation and active in promoting the Government irrigation project of Belle Fourche in that State. Mr. Stuart declares that this land is of a rich, fertile character that will grow "Rocky Ford" melons and "Greeley potatoes," and that one county included in the tract holds the highest record on saccharine beets. He says in his letter to Congressman Lacey that a young stockman in South Dakota frankly advanced this argument in favor of the Martin bill:

CAN SELL TO STOCKMEN.

"Well, now, Mr. Stuart, if we can only get this bill through, young fellows can get \$400 or \$500 for selling their homestead rights, and the stockmen in this country can have a chance to get a couple of townships apiece and run a few hundred head of cattle within our own fences."

The result of the passing of the bill, Mr. Stuart says, would be to turn over to a few stockmen, through their ability to buy up homestead rights, all the open public land and absolutely prevent settlement. He denounces it as a proposed legal graft and one which will seriously interfere with Government irrigation projects.

[The Independent, Helena, Mont., December 13, 1904.]

A QUESTION OF ARITHMETIC.

One of the strongest arguments for smaller bunches of cattle and feeding as against big herds running them on the range is advanced in the Herald-Journal, of Kalispell. The work of cutting down the herds in Montana has been going on for several years, but that fact neither reduces the output of the State in beef animals nor does it reduce the profits of the business. The small ranchmen are multiplying in number, and the aggregate of their holdings keeps up the beef product of Montana.

As showing the advantages of running a few head of cattle and feeding them over the range system, the Kalispell paper quotes the experience of a successful stockman. This man said that when he was running his cattle on the range if he could get them through the winter with a loss of weight on three-year olds of not more than 200 pounds, he considered himself fortunate. He had several thousand head of cattle, and he did some figuring. He found that in the annual loss he was losing the value of a big herd of cattle every year.

"He had 640 acres of land under a ditch," says the Herald-Journal. "This he plowed and sowed alfalfa. Since then he has been cutting about 6 tons per acre per year, or 3,840 tons, sufficient to feed 1,600 cattle during the winter with the following result: A gain of 150 pounds per head, or 240,000 pounds, instead of a loss of 200 pounds per head, or a loss of 320,000 pounds. A difference of 560,000 pounds, which at 4 cents per pound, live weight, means a gain over the old way of \$22,400. Thus did he discover that the new road was better than the old rut."

PRINCIPLES AND OBJECTS OF THE MONTANA AGRICULTURAL ASSOCIATION.

Recognizing the beauty and pleasure of life and the important position of agriculture in the civilization of the world and the multiplication of the human family, it being the basis of the whole superstructural government since it is by the products of the earth's surface that animal life is sustained.

Now we, The Montana State Agricultural Association, do hereby declare, "The making of two blades of grass grow where but one grew before" to be the cardinal object of this organization.

That we recognize that the magnitude and possibilities of the agricultural resources of this great State and that our life's endeavor shall be the promotion of irrigation, of home building, and of the turning of Montana's broad prairies and primeval forests into happy homes and the industrial masses of our State and nation.

That it shall be our endeavor to, in every possible way, increase the production of field, meadow, and orchard, and garden, and at the same time preserve the soil in its primitive riches for generations unborn; that it shall be our endeavor to promote the production and improvement of live stock of every description, including cattle, sheep, hogs, and horses, the institution of dairying and poultry growing, horticulture in all its branches, including floral culture as well as the growing of standard apples and small trees; that it is our endeavor to convert every available quarter section of Government land into a prosperous homestead.

That while we recognize gain as essential to human existence and a necessary precaution against want in old age, and commend a reasonable effort in the direction of a bank account that is not in red, that we regard the beautifications

of the landscape and the comforts and convenience of a home and the happiness and contentment of a good housewife and the children and the education of the children as paramount.

That we urge the humblest and most remote dweller in the country homes of this mountain land to beautify them with flowers, stud them about with fruit trees, and make them comfortable and cozy within; spare nothing within reason to make it earth's "mecca" for every member of the family.

That it shall be our endeavor by the promotion of laws, both State and national, to turn the wage-earners of our land into freeholders, home builders, and home owners, thereby making room and profitable employment for untold thousands who prefer to remain in the ranks of labor; that we call upon our Representatives in Congress to use all honorable means in promotion of Government irrigation as recommended by the National Irrigation Association and every enterprise calculated to multiply the agricultural industry of the arid West; that we oppose all measures of whatever kind and description looking to the leasing of the Government domain.

And that we pledge every member of this association as he or she goes forth to his or her home to mix and mingle as before with their fellow-men to take up the cause of husbandry anew, endeavor to promote better methods of farming, of the breeding of live stock, and the better management of farm in reference to the soil preservation, and to in every way promote the pleasures of a home. That each and every member constitute a committee within himself or herself to labor for the principles herein set forth, for the beautification of our land, the increase of production, and the promotion of the brotherhood of man.

Constitution and by-laws of the Montana Agricultural Association—Adopted at the first meeting held at Helena, Mont., on March 15, 1902.

CONSTITUTION.

ARTICLE 1. The name of this association shall be the Montana Agricultural Association.

ART. 2. Its object shall be to stimulate, aid, and encourage its members in the study and practice of the science and art of agriculture and its kindred industries.

ART. 3. The officers of this association shall consist of a president, a vice-president from each county of the State of Montana, a secretary, and an assistant secretary, one of these secretaries being a resident of the capital of the State, a treasurer, and a board of trustees, consisting of the president and secretary and five members, a woman's executive committee, consisting of one woman from each county in the State. All officers shall be elected annually by ballot by those members who have paid dues the previous year, except the vice-presidents and the members of the woman's committee, who shall be selected and appointed by the president and approved by the board of trustees. The term of all officers shall be for one year from the date of their election or until their successors have been elected and qualified. Excepting, that in the absence or the disability of the president the board of trustees shall elect a president pro tem from among the vice-presidents. No officer shall receive any compensation for his services except the secretary and the assistant secretary.

ART. 4. The duties of officers shall be such as usually pertain to like officers of similar organizations.

ART. 5. The powers and duties of the trustees shall be those of a governing board. They shall audit all bills and accounts, and shall have the power to authorize the payment of the same. They shall have charge of and possession of all property belonging to the association, and shall have power to accept and hold and administer any gifts or bequests made to the association. They shall have general charge of all the business affairs of the association, with power to administer the same.

ART. 6. The regular meetings of this association shall be annually at such time and place as the association may designate. Special meetings may be called by the trustees, and said trustees may be called by the president and secretary.

ART. 7. This constitution may be amended by a two-thirds vote of the members present at any annual meeting. The association may make such by-laws as it may choose to draft not inconsistent with this constitution.

BY-LAWS.

SECTION 1. At all meetings of this association seven members shall constitute a quorum.

SEC. 2. The deliberations of this association shall be governed by Roberts's Rules of Order, and all amendments to the constitution, by-laws, rules, or regulations shall be submitted at a regular session in writing. It shall be the duty of the president to appoint a committee on programme, whose duty it shall be to arrange a programme for the following meeting.

SEC. 3. The secretary, or in his absence or disability the assistant secretary, shall keep accurate minutes of the transactions of the association, and shall, when ordered by the president, send out written or printed notices by mail to all members, notifying them that a meeting of the association has been called. Said notices shall be mailed at least thirty days before the time for said meeting, the notices to contain the objects and purposes of the same. If the association shall have a seal, the secretary shall have charge of the same and shall affix the seal to all legal documents the association shall be authorized to execute.

SEC. 4. The treasurer shall keep just and true accounts of all moneys received by him, of moneys sent him as fees for membership, giving at all times a receipt for the same. He shall give a bond in such sum as the trustees may deem proper before entering upon his duties, the said bond to be approved by the trustees. His books shall be open to inspection at all times by any member of the association. He shall promptly pay all warrants drawn by the secretary on the funds of the association in his hands, when said warrants are countersigned by the president and shall make a detailed report at each meeting of the money received and how expended. He shall, at the expiration of his term, render up a true and just account of all matters relating to his office, in writing, and turn over all moneys, books, and papers to his successor in office.

SEC. 5. The association shall have the following standing committees, to consist of not less than three members, to be appointed by the president: Legislation, live stock, irrigation and forestry, grains, grasses and forage, publications and exhibits, highways, telephones and rural free delivery, farm homes, agricultural education, horticulture, immigration, dairying and poultry.

SEC. 6. Any person may become a member of this association on the payment of \$1 for annual dues for that calendar year and \$1 annually thereafter. Any person may become a life member upon the payment of \$10. Honorary members, who shall be persons of distinguished merit in agriculture or kindred sciences, may be admitted by a majority vote of the association. The wives and daughters of members in good standing may be admitted without fee.

SEC. 7. The order of business in meeting of the association shall be:

- Call to order.
- Reading of minutes of previous meeting.
- Reports of officers.
- Reports of standing committees.
- Reports of special committees.
- General business.

SEC. 8. These by-laws may be amended by a majority vote of all members present at any regular meeting.

Membership fee should be sent to John W. Pace, secretary, Helena, Mont.

Mr. MARTIN. I think that this telegram, which is sent to the chairman, Mr. Chairman and gentlemen, ought to go into the record with a statement of who the gentleman is that signs it. He signs himself "W. C. Buderus." He is not a farmer. He was a notary public, and the people of western South Dakota know him very well. He is the one man in our State who expressed gratification when the news came of the assassination of President McKinley, and the newspaper reports were that he came very near being lynched for it.

The only certificate from the public that he has ever had in that neighborhood, so far as I know, was given him some years ago in the nature of a notary public's commission from the governor of our State, which was very promptly revoked after the incident to which I have alluded. I would not make this statement but for the fact that anybody can sign his name to a telegram protesting against

legislation. I think that a statement as to who this telegram was from ought to be made. I make this statement without any feeling toward the man.

STATEMENT OF HON WILLIAM A. REEDER,

A Representative from the State of Kansas.

Mr. REEDER. I want to inquire, to commence with, whether there have been any protests sent to the committee in regard to the Kinkaid law. I ask this because I understood, in talking with members, that this matter would hardly come up, and took no pains to secure information as to the operation of the Kinkaid law.

The CHAIRMAN. There has only been an occasional view expressed from South Dakota. There has not been any general view from Nebraska on the subject. About 5,000,000 acres was taken under, and there is practically very little occupation yet, because they have six months to file on the land. I have had no communications from Nebraska.

Mr. REEDER. Some time since I saw some adverse expressions in relation to the matter in the daily papers. I did not, as I stated above, take the trouble to collect them because I understood that this bill would not be considered by the committee at this session.

I feel a little delicate in appearing before the committee against a bill that members are interested in, and which, if passed might be of advantage to a particular section of the country where these members reside, but I justify my desire to see these bills defeated on my conviction that we should be exceedingly careful to retain the public domain until the persons who need it can use it for homes. This is the reason I feel justified in appearing before this committee against this law. I believe that every effort should be made to dispose of this land only when the people can occupy it as homes. I think we should be careful not to make a mistake. It has been argued that it should be disposed of in order to bear its share of taxation. I think we can make it produce the required revenue and still keep the land in the possession of the Government until the people wish it for homes.

I know about this country, because I settled in a country much like it. I was surprised when I heard the gentleman from South Dakota speak to the committee as to the amount of grass he had cut in that country per acre—one to one and one-half tons per acre on upland. I am sure that in Colorado and western Kansas there are any number of sections of land upon which you could not in the early days cut a ton of hay.

Mr. MARTIN. Do you not think that a fair interpretation of the testimony would indicate that that would be on exceptional spots?

Mr. REEDER. I do not think so. I took it to mean on the land generally. He said on the upland.

Mr. MARTIN. I can testify that that is not true.

Mr. REEDER. I was surprised to learn of such grass in that section. Early settlers in Minnesota have told me grass then grew there which made an excellent fodder. Kansas grass in early days—the buffalo grass—was very rich feed, but never grew tall enough to be cut for hay.

The CHAIRMAN. The richest grass you have there is one or two inches high?

Mr. REEDER. Yes; or less when the country was first settled. It now grows six inches high, where there is any of the buffalo grass left. The change of grasses, together with the changes in the general conditions of our country, makes me feel sure we will make a great mistake to turn this land over to speculators because of present conditions.

The CHAIRMAN. What has taken the place of it?

Mr. REEDER. A blue stem grass.

The CHAIRMAN. It is a better grass?

Mr. REEDER. It is not a richer grass, but there is very much more of it, and you can cut hay from it on the highlands.

Mr. MARTIN. What part of Kansas do you live in?

Mr. REEDER. The northwestern part.

Mr. MARTIN. Are you east or west of the 100th meridian?

Mr. REEDER. Just east of it.

Mr. MARTIN. How far are you from the 100th meridian?

Mr. REEDER. Probably 20 miles east.

Mr. MARTIN. Do you know what the rainfall is?

Mr. REEDER. No, I do not.

Mr. MARTIN. If I am not mistaken it is 22 inches, or something like that.

Mr. REEDER. What I wish to urge upon this committee is that we can not make a mistake in holding this land till needed for homes. We can make a serious mistake in disposing of it before so needed, and I think any new method for disposal ought to be considered very carefully. I take this to be a truth, that every particle of the public domain should be used as homes for the people.

Mr. FORNDLEY. Would you favor making a forest reserve?

Mr. REEDER. There is no timber on these lands. I think we ought to be exceedingly careful in the disposition of this public land to prevent it getting into the hands of speculators, and only dispose of it in a manner that will be for the benefit of the people in the way of homes.

The CHAIRMAN. The map which we have here shows from 24 to 30 inches of rain in your locality.

Mr. REEDER. There may be that much rain.

The CHAIRMAN. All of this land in South Dakota, the territory to be covered, shows from 15 to 20 inches.

Mr. FORDNEY. Do you raise any crops without irrigation?

Mr. REEDER. Yes, sir; we raise as fine crops as they raise in Iowa or Minnesota without irrigation. We have no irrigation, except possibly for gardens.

Mr. FORDNEY. Then your country is not similar to this?

Mr. REEDER. I desired to show you how similar when first settled. I don't think it is similar now. I thought it was a better country now, and I was surprised at Mr. Mondell's statement of the amount of wheat they raise in the country that he was speaking about in Wyoming, because it is more than we raise in Kansas, and we raise more wheat than any State in the Union. Not more per acre than Mr. Mondell describes for Montana, but more bushels in the State than any other State.

Mr. MARTIN. That country that Mr. Mondell was speaking about I am very familiar with, about Aladdin, in the foothills of the Bear Lodge Mountains, with a rainfall of about 20 inches, or a little more. It is about the same kind of land as in the foothills where I live.

Mr. REEDER. I wish to urge upon this committee the desirability of not making a mistake by making haste to get rid of this land. If you dispose of the land you can not get it again; but if you hold the land, you know that at any time in the future, should you conclude a mistake had been made in its retention, you can readily remedy the error by disposing of it. I wish to tell you something about our country. When we first settled there thirty-three years ago, only the most optimistic would concede that it was possible to grow trees. Nearly every one thought that they could not be grown. Since that time sawmills have been put in there and lumber cut out of trees planted in groves, the trees being 16 to 20 inches in diameter.

Mr. RUCKER. Since you went there?

Mr. REEDER. Yes, sir. At first not one man in ten thought we could grow trees. I made a trip west six years after settling in that country and passed through a good deal of this new territory; I then concluded that no man could ever make a living in the country I passed through.

The CHAIRMAN. Your country was settled under a law authorizing the people to take up a quarter section under preemption, a quarter under homestead, and a quarter section of timber. You settled that country under a law which enabled them to take three quarter sections. Did that fact hurt the country in the settlement of it?

Mr. REEDER. Well, I don't know that I could answer that.

Mr. MARTIN. What is the average size of your farms now?

Mr. REEDER. I do not know.

Mr. MARTIN. Are you a farmer?

Mr. REEDER. I have been.

Mr. MARTIN. What is the size of your farm?

Mr. REEDER. There was 2,600 acres in the farm, and 1,200 of it could be irrigated. I irrigated 600 acres.

Mr. MARTIN. How large is your farm now?

Mr. REEDER. I have no land now.

Mr. MARTIN. I notice by the census of 1900 that the average farm in your entire State at that time was 340.7 acres.

Mr. REEDER. I desire to speak about Kansas as it was and as it is.

The CHAIRMAN. You spoke about the Government getting rid of its land. If they get large tracts, as you did, and the land is cultivated and the people sell it and divide it up, it does not necessarily ruin the country in the future?

Mr. MARTIN. I am convinced that it is not an advantage to the country to have immense tracts of land. I am convinced that the thing to do, if possible, is to get enough of the land for the settlers.

Mr. FORDNEY. Would you be in favor of repealing the laws by which land can be taken by scrip?

Mr. REEDER. I would. I would like, if possible, to know what the Kinkaid law does as to creating large holdings before we extend such laws to other regions. The daily press reports show that the effect of the Kinkaid law is to put land into large holdings.

Mr. DIXON. Is that opinion gained from the papers of your locality, or is it from stuff that is sent out from Washington?

Mr. REEDER. It is in the Kansas City papers. I don't know the source of their information.

Mr. DIXON. I have seen that statement, but it was published as coming from Washington.

Mr. MARTIN. I will say that we are informed as to where the telegrams come from.

Mr. REEDER. I do not know its source.

Mr. MARTIN. From Washington, a great many of them. I have one in my pocket here which can not be read without the reader forming the understanding that it purports to give a statement coming from the chairman of this committee about certain material filed with him. It is not really based upon any such statement, it is misleading. It only shows that the statement was sent out from Washington for distribution in the country. I want to disconnect our chairman from any such thing, because he is not connected with it in any way.

Mr. FORDNEY. Mr. Martin wishes to be heard.

Mr. REEDER. I desire to be heard as to what that country will be if it changes as our country has changed since my residence there. I wish to show you people what our country was and what it will be if you will make a law that will permit these homesteaders to cultivate the land they wish to till on their 160 acres and pasture the vacant land—that means furnishing an income to the settler, and if necessary exclude other than settlers from pasturage.

Mr. RUCKER. It is now almost 12 o'clock, and I think it would be best to have another meeting or meetings for a fuller hearing.

Mr. MARTIN. I desire to have the fullest sort of a hearing. Mr. Reeder asked for ten minutes, and he has now occupied over fifteen.

Mr. DIXON. Mr. Chairman, I am perfectly willing not to have the Montana bill considered in the hearing on this bill.

Mr. BONYNGE. In reference to the hearing on the bills together, Mr. Brooks left the city with the understanding that he would have a hearing next Wednesday on the Colorado bill. I know he wants to be heard at length upon that bill.

Mr. MARTIN. I do not want, in any sense, to have it appear that Mr. Reeder has been cut off from as full a hearing as he would desire to have. If he has a further statement to make now he can occupy the remainder of the time.

Mr. REEDER. I would prefer if you intend having another hearing to take up the matter again, and I wish to enlarge on the plan that will leave the land now in the possession of the Government so that in the future people can take it up for homesteads, and yet provide so settlers only can use it now for pasturage.

Mr. FORDNEY. Do you think a man can make as good a living from 640 acres of that land as he can from 160 acres of land in the State of Illinois?

Mr. REEDER. No, sir.

Mr. FORDNEY. Would it be unreasonable to give him an equal opportunity to make a living from that land as the people in Illinois have?

Mr. REEDER. When the people settled in Illinois, under the conditions of that country then, it was not an easy job to make a living out of the soil. Illinois is not a better country now than Kansas, right where land was worth nothing thirty-five years ago in Kansas.

Mr. MARTIN. The average rainfall for twenty-five years in your territory has been between 20 and 30 inches.

Mr. REEDER. I presume our rainfall has been about 20 inches.

Mr. MARTIN. Have the same changes taken place 150 miles west of you, in the eastern part of Colorado?

Mr. REEDER. Yes; though not to the same extent, I suppose. Professor Carpenter told me three years ago, when I met him in Colorado, that while the figures sent me indicated an increased rainfall in recent years at Fort Collins, the earlier measurements were not sufficiently accurate to insure that such increase of rainfall had been had, but measurement of the South Platte River showed much increase in the flow of that river during the winter months. There has been a wonderful change, caused by seepage in the moisture held in the soil of western Kansas, and my theory is that all of that country will improve in its adaptability to crop growing as much as western Kansas has improved.

Mr. MARTIN. Do you think, in the meantime, if your theory is right, that it would be wise for the Government to let those lands remain out of the hands of settlers?

Mr. REEDER. I do. Let settlers go in there, such as the gentleman from South Dakota, who appeared before the committee the other day. He has been residing on these lands fourteen years. Let them go there and assist them to stay by some arrangement by which each of those settlers could let their cattle graze upon the public domain. They could farm a part or all of the 160-acre homestead. Then, if thought advisable, you could have the settlers pay a small fee for the use of the range, which would serve the purpose of taxation. No other than homesteaders to turn cattle out unless range will support more, and then have nonresidents pay, say double price, for such privilege. If this is done and Uncle Sam could still hold the land, it could not get into the hands of speculators.

Mr. MARTIN. No other settlers would come in under that arrangement, would they?

Mr. REEDER. Yes, sir; by this plan no other settler could go in and take up 160 acres for a home at any time.

Mr. MARTIN. In other words, you would give the settler a homestead, and the privilege of leasing—how much?

Mr. REEDER. I would not have him lease any. I would make some kind of an arrangement by which actual settlers could pasture the range and the cattlemen could be debarred, but the pasturage be divided between the settlers and the land held by the Government, so that as needed it could go into the hands of men who would use it for homes.

Mr. FORDNEY. Do you think it would be better to have the land remain in the hands of the Government than in the hands of the people?

Mr. REEDER. Speculators, yes. I do not think it would go into the hands of the people under this bill, but that the result will be that it will go into the hands of speculators if this bill becomes a law.

Mr. FORDNEY. You can not keep lands out of the hands of speculators in any instance.

Mr. MARTIN. Don't you think that requiring a five years' residence, with a commutation provision, and requiring improvements to the amount of \$1.25 per acre would help to make it go into the hands of proper people?

Mr. REEDER. No, I do not think that will be the effect. We can learn who will get the land by waiting for the results of the Kinkaid law. We need be in no hurry. Do not let us be in a haste to dispose of the public domain. Why not wait and see the effect of the Kin-

kaid law? After that has been in operation for three or four years we can send out men to learn what the conditions are there and how the law has operated.

Mr. MARTIN. Are you familiar with the area in South Dakota that this bill refers to?

Mr. REEDER. No, I am not. I was surprised to hear what a good country it is; from what Mr. Mondell said of lands farther west, and what the gentleman, Mr. Hill, of South Dakota, said the other day. If what they say is true it is a good deal better country than Kansas was when we first settled it. What is the cause of such haste to get this land out of Uncle Sam's possession?

Mr. FORDNEY. Well, we have been waiting eighteen hundred years.

Mr. MARTIN. I will answer that question that you are asking me, Mr. Reeder. I can give you a few facts right here, as you seem to want information. Take the counties of Custer and Fall River, in South Dakota, to which this bill applies. They have been open to settlement for twenty-eight years, and two railroads have been running across them for twenty years. It is contiguous to the Black Hills mining section. It has as good a market for agricultural products as can be found anywhere. In the year 1880 there were 995 people in both of those counties.

In the year 1890, the railroad in the meantime having come in, and homesteaders following along with it, there were in Fall River County 4,478 people and in Custer County 4,891 people, that being five years after the coming of the railroad into those counties. Those settlers proceeded to try to farm in that country, but it was so much of a losing battle that between 1890 and 1900 the population in Fall River County had decreased from 4,478 to 3,541, which shows the going away of 937 people. Custer County, adjoining, had decreased from 4,891 to 2,728, a loss of 2,163 people in ten years, whereas the portion of these counties lying in the Black Hills proper had increased in population during the same period. The average size of the farms to-day in Fall River County is 450 acres to the farm, in Custer County 314 acres to the farm, and the number of unappropriated acres in the two counties at the last report of the Commissioner of the General Land Office is, in Custer County 267,510 acres still not settled upon, and in Fall River County 681,530 acres. Now, during all of that period they have had two railroads across those counties, and as good a market for agricultural products as there is in the United States.

Mr. REEDER. Now, let me give you a little history of Kansas settlement and see if it justifies this great haste to get the title of the public domain transferred to speculators. In the State of Kansas the whole territory is traversed by three great lines of railroad, the Atchison, Topeka and Santa Fe, the Union Pacific, and the Rock Island, all built years ago. I know of one town, the county seat of a county that at an early day contained 2,000 people, and had fine hotels, fine banks. But the people had to vacate the country on account of drought, so that it was absolutely depopulated. Other settlers came and a second trial at settlement was made ten or fifteen years later, and most of them had to leave because of crop failure. Some of these settlers put in alfalfa; some tried other recently discovered crops more suitable to a

dry climate, they having learned something about different soils in the meantime, but a great many of these settlers could not remain. But the third set of settlers came in gradually, profited by the experience of the few who learned how to utilize the country, and the result is a country of homes. Does this not justify us in claiming it is advisable to give the people an opportunity to make homes on the public domain rather than turn it over to speculators?

The country covered by these bills is probably not as easy a country to settle in as western Kansas was. I believe the farther west you go the drier the country gets; but I also believe that the history of western Kansas has proved that all that country between Kansas and the mountains will all be occupied by people as homes. Why not let families go there and occupy a quarter section instead of four or five hundred acres, and make an arrangement by which the settlers can range their cattle on the public domain and pay a certain amount annually per head for the privilege?

The CHAIRMAN. Do you think that that portion of your State would have developed more rapidly than it has under the law which gave those settlers an opportunity to acquire 480 acres if, instead of having that acquisition, they had been allowed 160 acres?

Mr. REEDER. Yes.

Mr. MARTIN. Then, according to that idea, instead of 640 acres being too much to maintain a man, I doubt whether it is large enough.

Mr. REEDER. Six hundred and forty acres of eastern Colorado upland will not support a family.

Mr. MARTIN. Don't you think you ought to give a settler sufficient acreage when he goes in there?

Mr. REEDER. I think he could get a great deal better chance if there was given him a quarter section and let him fence it and farm it, and put his cattle on the range outside.

Mr. FORDNEY. You must give him three chances to put him on an equality with those who settled in your part of the country?

Mr. REEDER. Give him half a dozen chances, if need be, but what is the hurry about getting rid of the public domain? I would like to talk to you a little further about the improvement of climatic conditions of western Kansas if I had the time.

Thereupon, at 12 o'clock noon, the committee adjourned to meet Wednesday, January 25, at 10 o'clock a. m.

COMMITTEE ON PUBLIC LANDS,
Wednesday, January 25, 1905.

Committee called to order at 10.35 a. m.

The CHAIRMAN (Mr. Lacey). While we have not a quorum, we will proceed with the hearing.

Mr. MARTIN. Mr. Chairman, Mr. McCarthy, of Nebraska, whose district adjoins the district of Mr. Kinkaid, will speak to this bill. I have asked him to do so.

STATEMENT OF HON. JOHN J. McCARTHY,

A Representative from the State of Nebraska.

Mr. McCARTHY. Mr. Chairman and gentlemen of the committee, I had not intended to say anything on this bill, but it is a fact that my district adjoins the district of Mr. Kinkaid, in which the Kinkaid law is in operation, for a distance of more than 100 miles. The character of the land, however, in my district and in his is entirely different. My own is a good agricultural district, as good as any in the United States. I am quite familiar, however, with the conditions in his district and am somewhat familiar with the conditions in South Dakota, to which it is proposed to have this law extended. Mr. Mondell suggested the other day that the great number of filings under the Kinkaid Act was no proof of the wisdom of this act for the reason, as he says, that he had been through the district and observed that there were no houses built on the claims taken. I do not consider that an evidence of the want of good faith on the part of those who have made these entries.

You are aware that at the time these entries were made farmers had their crops planted, and I am personally acquainted with a number of men in my own district who went out there after the planting season had opened up and went on the claims under the Kinkaid Act. Of course they could not abandon their crops. They stayed on their farms until the crops were harvested and gathered, which was along in December. If Mr. Mondell were to return at the present time I have no doubt but what he would observe signs of habitations on a great many claims through this country over which he says he has traveled.

Now, it is my opinion that this land is of no use to the Government, and it ought to be disposed of in such a manner and under such a system as will result in the greatest good to the greatest number. It has been open to settlement for years and years. It was open to settlement when a person might go in there and enter a homestead or timber claim and take a preemption at a small cost, but the temptation was not sufficient to induce people to avail themselves of these opportunities. If people can subsist or exist in there on 640 acres of land, I submit they should be permitted to have that opportunity. I also submit that a man who now goes into the State of South Dakota, or into that portion of South Dakota where it is proposed to extend this act, that he is getting a less reward for his trouble than the man who got even 160 acres of land in any part of Iowa, eastern Nebraska, or in eastern Kansas.

Mr. MARTIN. Have you been in some portions of this area covered by this legislation in South Dakota?

Mr. McCARTHY. Yes.

Mr. MARTIN. What is your judgment as to whether, outside of the tracts that can be irrigated, it can be reasonably expected that a man can subsist with his family on 160 acres, or, generally, less than a section of the land?

Mr. McCARTHY. I should consider that any man who would attempt it would be very foolhardy. In my opinion it would be absolutely impossible.

Mr. MARTIN. As to the operation of the Kinkaid law in Nebraska, what is your judgment, from such observation as you have been able to make, as to whether under that law the benefits are in a large part going to the actual settlers or in the interests of large corporations or cattle owners?

Mr. McCARTHY. Well, I am personally acquainted with quite a number who have gone there and made filings, and I do not know of a single person who has gone there with the intention of proving up his claim and selling out to anyone else. They have all gone with the hope and expectation of establishing homes for themselves.

Mr. DIXON. Do you know anything about any new method of soil cultivation of a gentleman by the name of Campbell, out in western Kansas or in Nebraska?

Mr. McCARTHY. No; I do not.

Mr. DIXON. Have you heard anything of it, where he cultivates part of his dry ranch one year without sowing any seed, keeping down the weeds, and the next year he claims it has conserved about two-thirds of the rainfall of the previous year, which enables him to raise a good crop? Have you heard of that?

Mr. McCARTHY. I have not heard of that particular case. I have heard a great many wild theories advanced in regard to farming and the possibilities of farming under one system and another in the semi-arid portions of Nebraska and Dakota, but as far as my personal observation and experience goes, every such case has terminated in most dismal failure. I have heard it stated that a person could go to western Nebraska—I was out in the extreme western portion of Nebraska twenty years ago, and was told that the breaking of a single furrow around 160 acres had the effect of causing precipitation, that the planting of a tree or the stretching of a single strand of barbed wire fence broke the winds, and the effect would be in a short time to produce as much precipitation as we had in the eastern portion of the State. I have since been through that country and ascertained that it has been abandoned.

Mr. DIXON. The reason why I ask that question is, that I have a statement here which purports to be from a gentleman who claims to be conversant with those new methods of soil cultivation in western Nebraska and Kansas, which have been originated by this man Campbell, in which it is argued that the method will bring all of that western country under cultivation.

EXHIBIT A.

BRINGING SEMIARID LANDS UNDER CULTIVATION—GREAT ADVANCE IN AGRICULTURE.

The following statement of the so-called Campbell soil culture in western Kansas, including lands west of the hundredth meridian, and the constantly improved results which Mr. Campbell states he has noticed during the past dozen years, indicate that not only are vast vacant tracts of the semi-arid region susceptible of cultivation under present knowledge, but that undreamed of advances in agriculture may be made during a like future period which will entirely revolutionize present farm ideas regarding a territory comprising a great many million acres.

Mr. Campbell's work is based upon the conservation of natural rainfall through peculiar methods of culture by which, under a moderate rainfall, not sufficient, however, for crop growing under old farm methods, large crops can be produced annually, and also upon a revolutionary system of cropping the soil every other year and during the fallow year keeping it constantly cultivated, exactly as though it were producing a crop, thereby conserving a large proportion of the rainfall.

Instead of finding the soil at the end of the crop season in September absolutely dry, as under natural conditions, this summer cultivation leaves it with a large amount of stored moisture, and receiving on top of this the rains of the fall, winter, and spring, the succeeding crop has an amount of moisture at its command far beyond that supplied by any single year's rainfall. This method simply makes of the under-soil a storage reservoir for seven, eight, or ten inches of the previous year's rainfall, and gives the crops almost two years' moisture supply to draw upon. Mr. Campbell believes and has demonstrated that by this method "dry farming" can be carried "to the foot of the Rockies," while the farming lands for several hundred miles east of the hundredth meridian can be made to produce double crops.

POSSIBILITIES OF RECLAIMING THE ENTIRE SEMIARID REGION THROUGH CAMPBELL'S SOIL CULTURE, BY H. W. CAMPBELL (1903).

In March, 1900, the Pomeroy Model Farm of 250 acres was established in Graham County, Kans., for the sole purpose of demonstrating that by the Campbell method of soil culture the natural rain waters could be stored and conserved in the soil, and not only good crops grown every year in spite of drought, but that trees and orchards might be as successfully grown in western Nebraska and Kansas as in any part of the East. The success of this farm as well as of many individuals all through this great semiarid West during the past three years have prompted further and broader work along the same line.

In the spring of 1903 there will be three farms opened up under our direct supervision on the Burlington Railway in Nebraska, one at Holdrege, 200 miles west of Omaha, of 240 acres. This will be known as the Burlington Model Farm. The object of this farm is twofold: First, to demonstrate that good, paying crops may be grown any year in central Nebraska in spite of the dry periods; second, that the average yield of farm crops in central and eastern Nebraska are not half what they might be if proper preparation and cultivation were applied. It is expected this farm will be run for several years. The remaining two farms will be in Chase County, one about 15 miles and the other about 30 from the Colorado line. The object of these is threefold: First, to demonstrate that failures here may be averted by proper methods of soil culture; second, that successful general farming may be profitably carried on to the Colorado line or beyond; third, that trees and orchards may here be successfully and profitably grown.

The public may look for some very interesting and instructive reports from these farms as the work goes on. We anticipate more and even greater discoveries in the way of facts regarding the question of controlling the moisture, as well as nature's laws in plant life and development, also the necessary part man must play to promote greater and more positive results.

One of the important discoveries we are now making and are working out, and happily with great satisfaction and remarkable results, is the effect and value of summer cultivation, which aids so materially to store and conserve the rain waters during the entire season, preparing the seed bed for the sowing of grain in the fall or planting in the following spring. So far only winter wheat has been grown on soil thus treated, and the yield obtained in 1901 was fully 300 per cent more than the yield of adjoining farms cultivated by the usual method of farming. In 1902 the winter wheat yield was 46 bushels, against 20 as the best yield on other fields in the same locality.

In the early days, when the prairies of eastern Nebraska and Kansas were as treeless as is the extreme western portion of these States to-day, failure by drought was not uncommon, while now, with almost every section of land bordered and defined by trees, and with groves and woodlands everywhere, the reverse is quite true. The effect of trees in lifting the hot south winds from the surface and carrying them over the growing crops is perceptible; especially is this noted where there is a considerable growth of trees, and a crop planted on the north side of the grove.

That trees can be grown in the semiarid belt by the simple application of the "Campbell method," there is no further question. Evidence is now too conclusive for anyone to deny this assertion. Not only is this true, but with careful attention trees may be made to grow as rapidly as in any section of the East or Middle West, and conclusive evidence of this may be seen now on the Pomeroy Model Farm.

Many farmers who have read or heard something of the "Campbell method," stand in their own light and continue to lose crops by presuming that this new method of cultivation is too expensive. The additional labor required is nothing compared to the difference between a 40-bushel and an 8-bushel crop.

The following is a portion of a letter written to Mr. Campbell by the late former Secretary of Agriculture, Hon. J. Sterling Morton.

"Your great work in soil culture is thoroughly appreciated by every thinking citizen of Nebraska. Your intelligent efforts to benefit the agriculture and horticultural

ture of this State are of greater value to your race and to those who come after you than all the efforts of all the members of Congress who have ever represented this Commonwealth at Washington. It is a gratification to realize that soil culture and arboriculture are destined, without asking an appropriation from the General Government, to revolutionize the climatic and productive conditions of the State of Nebraska. Just as plants need light, and as potato sprouts in dark cellars seek the windows and doors where the sun's rays occasionally stream in, so all the people of the prairie States need the illuminating practicalities of your researches and experiments in soil culture, which illustrate the method of insuring crops by intelligent tillage against destruction by droughts.

"J. STERLING MORTON.

"ARBOR LODGE, January 18, 1902."

The following is a portion of a letter to Professor Campbell from Mr. C. A. Parks, of Omaha:

"My familiarity with nearly every section of the western portion of Nebraska and Kansas, and the eastern part of Colorado, leads me to the firmest belief that what you have done in Cheyenne and Graham counties in Kansas can be done in all those adjacent sections where precisely the same condition of soil, rainfall, and climate prevails as in Cheyenne County especially, and very nearly the same as are found in Graham County.

"In tree growing you have accomplished results that are almost incredible to anyone who has not actually made the measurements of root growth and the growth of the trees made in your orchard in a single season, and satisfied himself of the success in that work that can be wrought by the practice of your system. I do not think I exaggerate when I say that your tree growth and orchard conditions, attained by your system of cultivation, aided by the soil mulch as taught by you, are as surprising and valuable as any that I have ever seen under irrigation in southern California, where I have been a frequent visitor. I believe that before you have lived the allotted span of three score and ten years you will be rejoiced as you look upon the measureless magnitude of a transformation wrought by your brain and your hand, by which a territory nearly as large as the Continent of Europe (except Russia), and now treeless, bleak, and unsheltered, will teem with woodland groves, magnificent harvest fields, fruitful orchards, and gardens, among which the spires of numberless villages, churches, schools, and thousands of happy homes may be seen, all comprising and maintaining a vast aggregation of intelligent and prosperous people.

"C. A. PARKS."

RESULTS UNDER THE CAMPBELL SOIL-CULTURE METHOD IN 1902, AS NOTED BY MR. CAMPBELL.

The following is the last paragraph of quite an extended article by Professor Cottrell, of the Kansas Agricultural College, in their college paper, *The Industrialist*, of April 15, 1902, and indicates the professor's conclusions after six years of observations and after making two visits to the Pomeroy Model Farm. He says:

"Mr. Campbell has used his methods on the Pomeroy farm, in Graham County, Kans., but two seasons, and in this time has shown marked results.

"No experienced man expects to get land in the best condition short of five years, and yet he has secured excellent results in seventeen months on unusually unfavorable soil. We have tested his methods on the college farm, as far as our greater rainfall will permit, for six years. This work has convinced us that Mr. Campbell has solved the problem of holding the moisture in the soil until the plant can use it.

"From the study of the Campbell system on the college farm, and for two years on the Pomeroy farm, we believe that by its use a sufficient amount of moisture from the natural rainfall can be maintained in western Kansas in the soil to secure good crops regularly of wheat, Kafir corn, sorghum, cowpeas, soy beans, and alfalfa, and feeding experiments conducted for thirteen years at this station show that with these crops, beef, pork, and milk, of as good a quality, can be produced at less cost than farther east.

"When its merits become generally known the Campbell system will be used throughout western Kansas, and when this time comes that section of the State will be one of the greatest feeding sections of the West."

Prof. D. H. Otis, also of the Kansas Agricultural College, and now its agriculturist, visited the Pomeroy farm just at the close of the early drought of 1902, and in his report in the June 15 number of the above-mentioned *Industrialist*, makes the following statements with reference to the condition of the wheat on this farm and the wheat on fields adjoining. He says:

"I visited a large number of wheat fields on adjoining farms and found the wheat from 4 to 6 inches high, very thin, and with a light-green color, with little or no moisture below, some fields of which were then being plowed up, while the wheat on the Pomeroy farm was from 20 to 22 inches high, with a dark-green color from the ground up, and seemingly too thick, and from 2½ to 3 feet of moist soil beneath."

These facts are certainly ample to prove that our plans of storing the moisture is an unquestionable success. Just after the time of Professor Otis's visit to this farm came the first rain of sufficient magnitude to help the crops, after which rain was ample. It is apparent from the above facts that had the drought remained unbroken for ten days longer the average field of wheat would have been practically ruined, while the wheat on the Pomeroy farm would have still been in just as perfect condition, from the fact that there was ample moisture in the soil below to have kept the crop growing, in fact, to have nearly or quite completed the crop.

The final yield of this wheat was 46 bushels, as compared with 8 to 20 bushels on other fields.

It would be an error not to mention the very satisfactory results in 1902 of a 2½-acre orchard 3 miles west of St. Francis, Kans., and only 12 miles east of Colorado line, and 18 miles south of Nebraska line, on the high, level prairie. This orchard, consisting of peaches, plums, cherries, and apples, was set in 1895 and cultivated under our direct supervision during that year and the three following years, since which it has been very carefully handled along the same line. There was sold from this orchard during 1902 over \$200 worth of fruit, besides supplying two families. There are numerous other orchards in the west half of Nebraska from two to five years younger than this that bid fair to equal this, if not to surpass it, in fruit results. In fact we have reached the time now with reference to the growing of orchards and trees in western Nebraska that we are not obliged to be confined to the simple assertion that they can be successfully and profitably grown, but can point with pride to many fine orchards and groves that are the direct result of the principles laid down in this volume.

Another marked result is the fact that 100 acres of good, finished corn, yielding over 30 bushels per acre, was raised at Byers, Colo., this past year, a station situated on the Kansas branch of the Union Pacific Railway only 40 miles east of Denver, at an altitude of 5,000 feet, and no rain fell after June 5. A letter recently from this party states that he has built two large siloes and proposes raising 300 acres of corn to fill them for sheep feeding. He further states that he is now more positive than ever that he can raise good corn any year at that point.

Mr. Campbell located in Brown County, S. Dak., in the fall of 1879, about 20 miles northeast of where Aberdeen is now located, and was one of the earliest big farmers of that section, therefore, has been a farmer or an experimenter in the so-called dry belt for nearly twenty-five years. Nearly twenty years of this time he has been an experimenter in the cultivation of the soil with a view of not only overcoming the ill-effects of drouth, but of greatly increasing the average yield of all lands in the entire country, and the past ten years he has given over entirely to experimenting and proving, by practical field experiments, the correctness of some very radical conclusions he drew and expressed some ten or twelve years ago; radical, because they were entirely contrary to what thousands of people believed to be true.

About six or seven years ago Professor Campbell came to the front and boldly and repeatedly asserted that successful farming could be carried on on all the high, level prairies from the Missouri River to the foothills of the Rockies by simple, scientific soil culture. He was then called a crank or enthusiast, and some asserted that a man that would make such wild statements could not be in his right mind.

Undaunted by such accusations, Mr. Campbell kept right on until he has been able to show many a Missourian that not only good crops but big crops could be grown when others by the more common methods failed.

He has also shown that fruit, shade, and ornamental tree growing over this same belt of country is very simple, easy, and a sure proposition, and all this without irrigation, but by a simple method of cultivating and handling the soil and storing the rain waters, not as many had supposed by the simple dust-blanket plan, but by many other new and advanced ideas which are the result of years of scientific research.

Hon. J. P. Pomeroy, of Colorado Springs, who owns the Model Farm at Hill City, Graham County, Kans., writes January 2, 1904, as follows:

"While not entirely familiar with all the details connected with the culture of my model farm at Hill city, the system has been an entire and unqualified success. Last year we raised 40 bushels of wheat to the acre, and but for the rank growth and subsequent falling of the grain, we should have easily raised 50 bushels per acre, while

other people cultivating the ordinary way scarcely exceeded 12 to 15 bushels per acre.

"You ask in regard to our success with trees. We had planted some 900 trees, out of which we only lost a very few, as I remember it, some 10 or 12 out of the entire lot. A more rapid or healthy growth could not have been desired.

"In a letter from my agent received three days ago, he informed me that in case we should have no rain during this entire winter we would nevertheless realize a good wheat crop next season from the moisture now stored in the ground, whereas such an event would make a total failure with those who employed the ordinary means of culture.

"That crops can be successfully raised every year in western Kansas, provided the farmers will adopt our plan, can no longer be doubted. I look forward to a time not far distant when the entire State will become the most productive in this country, and that the western portion of it will be equally prosperous with that of the more easterly sections."

William McCallum, St. Francis, Cheyenne County, Kans., writes under date of January 19, 1904, as follows: "Would say, the Campbell system is all right for any country that lacks rain. We have all the moisture needed to successfully raise good crops with proper tillage. I worked an orchard on high land, 180 feet to water, three years under the Campbell system of soil culture. The trees made a wonderful growth, and to test the depth of moisture we bored down with a 6-inch auger to a depth of 16 feet and 4 inches, and the soil at that depth was wet enough to form a ball by pressing it in the hand. I have 20 acres in orchard all doing nicely. My corn made 40 bushels per acre and have raised 200 bushels potatoes per acre, all under the same tillage."

Mr. J. S. Price of Oakley, Logan County, Kans., in October, 1903, writes: "The Campbell system of farming is a grand success. Some of the wheat went as high as 53 bushels per acre, where they only sowed one-half bushel of seed to the acre, more seed would have made it too thick. A good many are adopting the system."

January 18, 1904, Wm. Martens of Chadron, Nebr., writes: "The experiments I have made the past three years have brought me to believe that the so-called Campbell system solves the problem, but under my present condition I am unable to keep close enough to it to reap the results that I feel are obtainable. I was raised in the best sugar beet country in Germany, where the value of land was \$12 to \$15 per acre rental per year, I am proud to say that even there, nothing was ever raised to compare with beets and potatoes raised in this country under the Campbell system."

The Saturday Evening Post of January 30, 1904, in a write-up on "The West," says: "Though wheat farmers in some western Kansas counties have been farming large tracts in a rather loose manner, plowing the ground perhaps only once in two or three years, they are learning that it pays to be more careful. Many of them are adopting the Campbell system of soil culture, and by so doing have doubled their wheat yields. It requires a great deal more labor, but the results more than justify it. Yields of 40 and 50 bushels of wheat per acre were by no means uncommon last year among farmers who use the Campbell system, while their neighbors harvested only 25 bushels with the common method of farming."

In the December issue of "The Ranch News," published by C. E. Wantland, of Kansas City and Denver, the following appears over the name of William Nelson: "There is no doubt in my mind that by the employment of better farming methods good wheat crops will be certain in western Kansas. The experimental farms now established are setting the farmers a good example. The Campbell system is surely a winner. No one will doubt it after seeing the farm near Hill City, Graham County. On that farm one can find as fine an orchard of four-year growth as is to be found near Kansas City. Twenty years ago I was well acquainted in Graham County, Kans. When a man planted a tree then it was with that kind of a feeling which is best expressed by 'Well, we will just try for luck.' To-day there is no doubt that orchards will be a success there if the Campbell system is followed."

In the same paper Miss Helen Kimber, president of the Kansas Equal Suffrage Association, and who promoted a Kansas agricultural exhibit in Chicago last fall second to none ever placed before the people of the East, writes: "I believe that western Kansas is going to be even more profitable as an agricultural section than that of the middle and eastern part."

Mr. McCARTHY. He argues that it will do it, but I submit that it has not done it as yet.

Mr. VOLSTEAD. Does he give any reasons?

Mr. DIXON. Yes. I have been asked to incorporate this in this hearing. It is a very interesting document.

Mr. MARTIN. Do you care to disclose the source?

Mr. DIXON. Yes; I got this from my friend Mr. Mitchell.

The CHAIRMAN. Guy E. Mitchell?

Mr. DIXON. Yes.

The CHAIRMAN. It is against the proposition?

Mr. DIXON. No; not against it. I had a talk with him the other day and he was arguing with me against the wisdom at this time of bringing up this matter and brought up this new discovery of this man Campbell. He says that he goes into this 15-inch rainfall country and cultivates only half of his ranch each year. The other half he cultivates, but he does not sow any crops. He cultivates it just as regularly through the summer as if there was a crop there. That cultivation keeps down the growth of weeds or drives the most of moisture into the soil, enabling the soil to hold it, and the next year he puts a crop there. The theory is that where there are 15 inches of rainfall, by this process 10 inches more can be added, and the next year he will have 25 inches. He claims that it permits the raising of 40 bushels of wheat to the acre.

Mr. MCCARTHY. Capillary attraction.

The CHAIRMAN. He only has to work the land one year.

Mr. MARTIN. I have no objection to putting it in.

Mr. DIXON. I would like to read this from his statement:

In the spring of 1903 there will be three farms opened up under our direct supervision on the Burlington Railway, in Nebraska; one at Holdrege, 200 miles west of Omaha, of 240 acres. This will be known as the Burlington Model Farm. The object of this farm is two-fold: First, to demonstrate that good paying crops may be grown any year in central Nebraska in spite of the dry period.

Second, that the average yield of farm crops in central and eastern Nebraska are not half what they might be if proper preparation and cultivation was applied. It is expected this farm will be run for several years. The remaining two farms will be in Cass County, one about 15 miles and the other about 30 miles from the Colorado line. The object of these are threefold: First, to demonstrate that failure here may be averted by proper methods of soil culture; second, that successful general farming may be profitably carried on to the Colorado line or beyond; third, that trees and orchards may here be successfully and profitably grown.

The CHAIRMAN. I would like to ask if winter wheat can be grown in South Dakota?

Mr. MARTIN. There has been a good deal of experimentation in that line and some of it is encouraging. Winter rye has done quite well in some parts of the State.

Upon the subject of this Campbell process, I wish to say that it is not a new thing, Mr. Chairman. It has been experimented with a good deal in South Dakota, and some of it that has come under my observation leads me to think that there is an element of benefit. I think it will help in the effort at farming in some parts of our State. But you will see at a glance that instead of requiring less land it requires more land than the ordinary farm.

Mr. MCCARTHY. I would like to suggest that farming, under the most favorable conditions, is not too profitable at present; that many farms are producing where there is no profit in it, even in eastern Nebraska and western Iowa where the conditions are similar and more favorable to agriculture. I doubt if there is a farmer who can take land in eastern Nebraska or western Iowa, where it is worth \$50 to \$60 an acre, and not farm the whole thing—cultivate it all. Where only one-half of it is in a crop he can not get a good living out of it.

Mr. MARTIN. The Campbell process has helped, Mr. Chairman, in the growing of fodder in central and western South Dakota. If one has a large area of land he can get some benefit out of that method. In addition to what has been stated about it by my friend Mr. Dixon, I wanted to say that the principal is to keep a dust blanket on top of the soil so that evaporation will be, in a sense, retarded.

The CHAIRMAN. What is to keep this blanket from blowing off?

Mr. MARTIN. Well, that is a practical question—

The CHAIRMAN. In practical operation, what is to keep it from blowing off?

Mr. MARTIN. Sometimes it does blow off.

The CHAIRMAN. We were told here sometime ago that occasionally after they had sown their wheat, ploughed the land 6 or 8 inches deep, a storm would come and blow the entire soil away clear down to the solid ground. Of course, Kansas would get it.

Mr. MCCARTHY. I presume, under Mr. Campbell's plan, that after this storm had occurred he would immediately go over the ground again with a harrow and create another blanket.

Mr. MARTIN. It requires a great deal of cultivation, several times, with particular implements for that purpose. I do not wish to decry the process by any means, because I think it has an element of benefit to the West; but it is not going to transform the semiarid country into a country in competition with Iowa or Nebraska or eastern South Dakota in the general run of agriculture. It is of some benefit, but so far as its application to this broad proposition is concerned, I think that it is rather an argument for a large farm than a small farm.

Mr. DIXON. For the benefit of Mr. McCarthy, I want to read these extracts from a letter written by Secretary Morton addressed in 1902 to Mr. Campbell. He says:

Your intelligent efforts to benefit the agricultural and horticulture of this State are of greater value to your race and to those who come after you than all the efforts of all the members of Congress who have ever represented this Commonwealth at Washington.

Mr. MCCARTHY. I would suggest that the gentleman from Monatna take that to heart himself. [Laughter.]

The CHAIRMAN. I have here two telegrams from people in Mr. Martin's district, which I will hand to the stenographer and ask him to incorporate them into the record.

[Telegram.]

STURGIS, S. DAK., January 23, 1905.

HON. JOHN F. LACEY,
Chairman, Washington, D. C.:

The Section Homestead bill should not pass until lands are classified. No injury can follow postponement, while detriment will follow immediate passage.

Jesse Brown, sheriff; W. D. Hall, stock dealer; John F. White, deputy sheriff; Duncan McLaughlin, capitalist; C. C. Moody, editor the Record; Louis Carlis, merchant; S. C. Berry, life insurance; J. H. Slater, editor; G. R. Lancaster, merchant; M. M. Brown, banker; J. H. McSloy, physician.

[Telegram.]

STURGIS, S. DAK., *January 23, 1905.*HON. JOHN F. LACEY,
Washington:

Should read my letter to-day, northwest corner Nebraska.

WESLEY A. STUART.

MR. SHIRAS. There is a word or two that I would like to say in regard to this measure. The members of the committee know that I am the only eastern member on the committee and I feel some hesitation in voting on a matter that primarily should be in the hands of the western members. There is a division, apparently, in the committee in regard to the merits of this particular measure. My predisposition has been to oppose any enlargement of the homestead laws or any special inducement for the settlement of homestead lands. I believe that we are not only legislating for to-day, but for the future, and that the time will come when a great deal of this land will be taken up by future generations, whose interests we must keep in mind to some extent.

However, in looking at the aims of this particular legislation and considering the evidence that has been offered, and having some views on the question myself through visiting the Dakotas this year, it seems to me that the main point in order to convince persons like myself is to show that this legislation is so framed as to prevent the taking up of this larger acreage under the amended homestead law on the part of others than the actual settlers. I am satisfied from conditions that exist in this portion of Dakota that it is primarily, if not absolutely, a grazing country, and that the acreage must be increased to five or six hundred. The statements that have been made here of the efforts to settle this locality on quarter sections seem to be conclusive, and those efforts that have been made from time to time where the property can be entered upon show that it has evidently gone into the hands of others than bona fide settlers, who acquire these quarter sections without any special difficulties. If this bill provides that those who take the land must live upon it and settle it under proper regulations, it seems to me that they are not going to get too much under the enlargement.

The question has been raised that this bill is very liberal and allows the land to get in the hands of the people, and you can not get it back if they receive too much. I regard that as a mistaken one. It has been said here that the establishment of a 640-acre farm, where it could not all be cultivated or successfully occupied, that it would allow the lands to get into the hands of other citizens of this country by purchase. That has been the case in the Eastern and Western States wherever the holdings have been too great, and the person who has it is willing to sell the excess that he holds to neighbors at a price within the reach of those who think that the land is worth the purchase price. There is nothing in the granting to a bona fide citizen of an acreage that may be too much. That evil, if it exists at all, corrects itself. To my mind the great evil is in inducing people to go out there and attempt to settle in a community, and after they have gone through the trouble and expense of improving this land to be compelled to give up through failure and inability to support themselves. That is one of the most disheartening things that takes place in the western country.

My opinion is that the granting of a section in this locality is not too much. Taking the land as it exists, I would say that I have no hesitation in voting for this measure of Mr. Martin's, if the restrictions placed upon it will practically prevent the evils that exist under the old quarter-section law, whereby men have taken the lands for a short time, abandoned them so that these holdings go into the hands of men who have no interest in the country. On that part of it I would like to hear from Mr. Martin. I am not so familiar with this portion of the bill, and upon that depends my attitude regarding its passage.

Mr. MARTIN. Mr. Chairman, at the opening of this hearing I made a brief statement. Many members of the committee were not present at the time, and we had not then commenced taking down hearings. So, perhaps, there is no impropriety in my making a brief statement at this time. I would like to request, Mr. Chairman, as I desire to take up as little time as possible right now, the privilege of extending my statement in the published reports of the hearing.

Now, this question of what is a proper unit for a homestead is not a new question at all. I think those most familiar with the subject, most familiar with the semiarid West, have no doubt but that it is only a delusion and a snare to invite a settler to become a permanent settler in that country and give him but 160 acres of semiarid land. The President, in his second message to Congress, touches upon this subject and says:

Moreover, the approaching exhaustion of the public ranges has of late led to much discussion as to the best manner of using these public lands in the West which are suitable chiefly or only for grazing. The sound and steady development of the West depends upon the building up of homes therein. Much of our prosperity as a nation has been due to the operation of the homestead laws. On the other hand, we should recognize the fact that in the grazing region a man who corresponds to the homesteader may be unable to settle permanently if only allowed to use the same amount of pasture land that his brother, the homesteader, is allowed to use of arable land; 160 acres of fairly rich and well watered soil, or a much smaller amount of irrigated land, may keep a family in plenty, whereas no one could get a living from 160 acres of dry pasture land capable of supporting at the outside only one head of cattle to every 10 acres.

The judgment of President Roosevelt upon this subject has an added significance, from the fact that for many years he was engaged in the cattle-growing business over a portion of this country to be affected by this legislation.

Now, probably no one has ever been better acquainted practically with the semiarid West than Maj. J. W. Powell, for so many years the head or Director of the Geological Survey. In his report in 1879 he makes this statement:

THE FARM UNIT FOR PASTURAGE LAND.

The grass is so scanty that the herdsman must have a large area for the support of his stock. In general, a quarter section of land alone is of no value to him. The pasturage it affords is entirely inadequate to the wants of a herd that the poorest man needs for his support. Four square miles may be considered as the minimum amount necessary for the pasturage farm, and a still greater amount is necessary for the larger part of the lands; that is, pasturage farms, to be of any practical value, must be of at least 2,560 acres, and in many districts they must be much larger.

You will remember that that number of acres, about 2,600, is very close to the number of acres in Mr. Reeder's farm in Kansas in the early days.

Now, the present Director of the Geological Survey—and I want to say that these field men in that department of the Interior have more practical knowledge upon this subject than the office men in the city of Washington—the Hon. Charles D. Walcott, the Director of the United States Geological Survey, reports to the Interior Department on the subject of the Kinkaid bill as follows:

The central idea of this bill is that of enlarging the area of homestead entry to suit the conditions of the semiarid West. There is general recognition of the fact that the present land laws, designed for the humid region, are not applicable to the arid region. Attention has been called to this matter many times by various individuals, and in particular by the writings of Maj. J. W. Powell, the former Director of this Survey, who devoted much of his life to the exploration and study of the West. In his report prepared in 1878, entitled "Lands of the Arid Region," Major Powell suggests that the farm unit where water is scanty should be not less than 4 square miles, the divisions of such farms being controlled by topographic features.

The arbitrary limit stated by the present land laws of 160 acres for a homestead does not suit existing conditions in the arid region. If the water supply is ample, 160 acres is usually far too much, and would support two, three, or four families; on the other hand, throughout 90 to 95 per cent of the vast extent of remaining public land 160 acres is so small as to be useless for a homestead.

No general rule as to what shall constitute a homestead can be laid down. In order to determine this matter local knowledge must be had and exercised in the same manner as it is under the reclamation projects. The question is one largely of altitude, climate, and water supply, rather than extent of land.

After cutting out the irrigable lands there are left great areas where it is known that water can not be had in any considerable amount and where the homestead area must be very large to furnish support for a family. In short, it is practicable after eliminating the irrigable land for the Geological Survey, through its organic act and through the reclamation service, to classify the remaining public land and obtain information upon which to base the disposal of these lands to actual settlers in tracts sufficient for the support of a family.

Under the operation of the present laws the securing of a tract of land large enough to support a family in the arid region is a cumbersome and expensive process. The nucleus of the home farm may be a 160-acre tract, which the law allows as a homestead.

All persons admit that this nucleus is only the first step, and that the man who actually desires to make a home there by stock farming must proceed to resort to various expedients to secure control of additional land in order to support himself. To do this requires either capital to purchase the lands of other homesteaders or the stock farmer must secure some form of title through the desert-land law, timber and stone act, etc. In the majority of cases the practices absolutely necessary to secure an adequate area are open to the charge of fraud or collusion. It should not be necessary for a man desiring a homestead upon vacant public land to resort to indirect or possibly fraudulent means. On the contrary, he should be allowed and encouraged to take up as much land as he actually needs and be given every facility for so doing.

The development of the arid West has reached a point where it is now possible to see the ultimate character of settlement and utilization of the land. Where, as above stated, water can be had, the irrigable lands may be cultivated in the most intensive fashion. With favorable climatic conditions several crops a year will be raised, and a 40-acre farm will more than furnish support for a family. The average size of an irrigated farm in Utah is, for example, less than 30 acres.

Assuming that there are 600,000,000 acres in the arid and semiarid West, not to exceed 10 per cent of this, or 60,000,000 acres, will be utilized for irrigation. Most of the remainder is useful for stock-raising purposes, a portion being devoted to forest reserves within which grazing may be largely permitted. In round numbers 500,000,000 acres of land will have its highest use in the raising of cattle and sheep. Most of this is still in public ownership, and it is for the interest of the nation to have the land subdivided into the smallest tracts which will support a family and have these pass gradually into private ownership so that the land may in time bear its share of taxation.

There can be no hard and fast rule as to the limits to be set for such land, but knowledge of the water supply and judgment may be used if the arid lands are to be

divided into tracts capable of supporting a family. Under the operation of the laws at present in force there is no possibility of equity in the matter. Men take their chances of getting enough land one way or another. If they fail, they sell or relinquish their rights to their neighbors until an adjustment is finally attained, at great cost and hardship, and without attaining the best results for the Commonwealth, since in the general laxity of affairs the lands are not put to the best use, and many of them gradually pass into the hands of corporations instead of being utilized for the support of independent families.

Mr. DIXON. Under what date is that?

Mr. MARTIN. Well, it was last year.

Mr. SHIRAS. Does he classify those 600,000,000 of acres?

Mr. MARTIN. Yes; of which 10 per cent only can be used for irrigation.

I do not think you can find anybody in the Geological Survey who, if opposed to the bill, is opposed to it upon the ground that 640 acres is too much.

The CHAIRMAN. I understand the criticism from the Department is not against the proposition, that set out there and which Mr. Walcott supports, nor the proposition which is the central point in your bill; but it is directed to the time, the method, and the situation in South Dakota. In other words, while it is conceded that a larger homestead of strictly arid land must be given where it is nonirrigable land, in order to insure the settlement of that region under private ownership, yet the question comes up as to whether South Dakota, without further investigation, and in order that that particular class of lands may be carefully segregated, whether we would not make a mistake in a bill passed on the broad lines involved in your bill. In other words, here is a bill applying to another 600,000,000 of acres that Mr. Walcott had not mentioned.

Mr. MARTIN. I think the suggestion of Mr. Walcott is a very pertinent one. Each locality must be taken by itself. I don't think it is practicable at this time to make one bill apply to all the semiarid lands in the West. I think we should take up each locality by itself, as in Nebraska. Those of us who have come from South Dakota, who have lived there a quarter of a century, have had a long time to inform ourselves upon these conditions.

Mr. NEEDHAM. Do you consider twenty-five years a long time for settlement in a territory as large as in this case?

Mr. MARTIN. I think it has been abundant to determine what can be done agriculturally in that section.

Mr. LIND. Is it not a fact that that section of your State, east of the of the Missouri River, was settled virtually in two seasons, 1880 to 1881?

Mr. MARTIN. Yes, sir; the early eighties and 1881 brought in people enough to settle that whole section of the State. Things happen very rapidly now in the West, Mr. Needham, and as Governor Lind has very well said, the eastern part of our State practically had a settler upon each particular part that could be utilized within a period of twenty-four months, and when the Rosebud Reservation was opened here lately, 106,000 registrations were made for the privilege of filing upon 2,600 claims, showing that where lands are suitable for agriculture there is no want of people to immediately take them. We have learned a good deal about this country in the last twenty-five years, what it can do and what it can not do.

Mr. NEEDHAM. Do you not think that a good proportion of those who settled in the eastern part of your State considered at the time that 160 acres was not sufficient, and a great many of them abandoned the property and sold out at very low prices?

Mr. MARTIN. That would be true over the first two tiers of counties east of the Missouri River, but it would not be true as to most of the rest of our State. Our State, in its eastern third, is as good as Iowa or any part of it, or of Minnesota. And from there westerly to the Missouri River it is a good grass country and adapted for dairy farming. It is becoming settled by farmers of that kind, each of whom has his little herd of dairy cows, and there is a creamery in almost every township. And the same thing can be said of the other parts of the State. That leads me directly to a statement in regard to the State. I am here in no sense to discredit my State or any part of it. I am as proud of South Dakota, its past, its present, and its future as Senator Ingalls was of his Kansas.

I think I understand the conditions. This country west of the Missouri River which is not yet occupied by settlement is susceptible of sustaining a large population, though not as large as the rest of our State proportionately. While the Geological Survey or some members of it think that more than 640 acres is necessary to support a family, I believe that 640 acres will sustain a family safely. Later it may be necessary to give larger areas than that. I believe that the amendments here offered will practically meet all the suggestions of the Interior Department as to safeguards, and, as I say, I believe the amendments which I desire to suggest to have incorporated in this legislation will make it entirely safe against monopolies in anyway.

This country west of the Missouri River, from the Missouri River to approximately the line of the Cheyenne River, has been open to homestead settlements for fifteen years, first under a charge for the land, varying from \$1.25 to 50 cents per acre for the first period, and later, for the last six years, for free homesteads. West of this line the balance of the State has been open to free homesteads for twenty-eight years. Two railroads run through it. The Black Hills is mostly included in the Black Hills Forest Reserve, and is one of the richest sections of our country, both agricultural and mineral. That little gold area there produces gold enough so that South Dakota is the third gold State in the Union. Those valleys in the interior are very fertile, and have sufficient rainfall to produce good crops. Those crops have one of the best markets in the country.

Efforts have been made at agriculture in that western country out to the line of the foothills, and those efforts have been successful. Beyond the foothills they have not been successful, so far as strict agriculture is concerned, except as to localities where irrigation can be used. As to the balance of this territory covered in this area, it is a more or less broken, rolling, range country. It has supported very large herds of stock upon the range. From the Missouri River westward it is what is known chiefly as gumbo soil, and anyone that is familiar with that knows its quality as an agricultural soil. It will produce well under water, but requires a good deal of water. Now, as to where this bill would apply, to something like 10,000,000 of acres, I firmly believe there is not a farmer who can successfully support himself and family on 160 acres of that land unless it is under irrigation, and that he can not is simply because of the lack of moisture.

The CHAIRMAN. I would like to ask Mr. McCarthy a question in this connection, as he represents the same class of country in Nebraska. What year was that land opened to settlement in Nebraska—the land covered by the Kinkaid law?

Mr. McCARTHY. I think it has been open to settlement ever since the State was admitted.

The CHAIRMAN. Forty years?

Mr. McCARTHY. Forty years; yes.

The CHAIRMAN. The settlers themselves have relieved the Geological Survey practically of all trouble there by going in and taking the land that was fit to be taken, so that the segregation of that land is one of very little importance in your State.

Mr. McCARTHY. I presume that is true. The settlers made an awful mistake in going in there and taking it at all.

The CHAIRMAN. They took some that they ought not to have taken; they did not miss any.

Mr. McCARTHY. I presume that is true.

Mr. MARTIN. For fifteen years as to the eastern half of this area, and twenty-eight years for the balance, these lands have been open to homestead settlement. For twenty years there have been two railroads from the Nebraska line up to the Black Hills, covering the counties of Fall River, Custer, Pennington, Meade—two railroads, the Chicago and Northwestern and the Chicago, Burlington and Quincy.

Mr. MONDELL. It is true that a great portion of the time these lands have been very unusually isolated considering their locality. They have been west of a great Indian reservation, north of a mineral country, and with no means of reaching them except over the range country from the north.

Mr. MARTIN. That is true, but reaching them from the east and south it does not apply. There have been two trunk lines of railway, the Chicago and Northwestern and the Chicago, Burlington and Quincy, as good railway lines as in the United States. They have run through the country I have mentioned for close on to twenty years.

Mr. MONDELL. They have not reached to this country in here [indicating on map] and do not now reach the territory north of the hills, excepting about six years ago the Northwestern built to Belle Fourche.

Mr. MARTIN. They did that, if I remember correctly, in 1891, fourteen years ago. And along the line of that railroad in this county is a good illustration of what has been done and what can be done there. With the railroads, as I stated the other day, came a great influx of settlers, as pronounced as in the eastern part of our State, and the population of Fall River County in 1890 was 4,475. That is the southern county of the State. Between 1890 and 1900 it went to 3,541, a loss of 937 in the population. The county of Custer in 1890 had a population of 4,891 and it went down in the decade following to 2,728, a loss of 2,163 or nearly half of the population.

The county of Pennington decreased 930 in population during that decade. During that time the agricultural development of the eastern part of the State was progressive and the population increased, but the agricultural population which had endeavored to settle along the line of that railway carried on agriculture and made a gallant attempt to succeed, but did not do so. They discovered that the country was adapted to the growing of live stock but not to agriculture. Many abandoned their claims, others proved up and sold to their neighbors,

until the average farm in Fall River County is 450 acres, in Custer County 314, in Pennington 427, in Meade 409, and there remains unappropriated public land of the United States, for twenty years subject to agricultural filings and free homes, in Fall River County 681,550 acres, in Custer County 267,510 acres, in Pennington County 773,811 acres, in Meade County 1,505,786 acres.

Mr. MONDELL. Outside of the various reserves?

Mr. MARTIN. Yes, sir; and entirely open to agricultural settlement for twenty-eight years.

The CHAIRMAN. You told us that this land had the same opportunity substantially as other lands for fifteen years, and as a matter of fact the greater portion of that fifteen years this land could only be obtained even by the homesteader by complying with the homestead law and paying for the land besides.

Mr. MARTIN. That has not been true of the counties that I have stated.

The CHAIRMAN. Not been true within this reservation?

Mr. MARTIN. No, sir. Now, I think that the best test as to what the proper farm unit for sustaining a man and his family is to be found by experience. I call the attention of the committee to the fact that throughout these States in the same area or belt as South Dakota, after nearly a half century of experience and in the adjustment of conditions, as men are bound to adjust their holdings to the requirements of their localities, Kansas shows, by the census of 1900, an average farm unit of 240 acres to the individual, Nebraska 246 acres, South Dakota 362 acres, North Dakota 342.9 acres.

Now, I have taken the pains to find what the census of 1900 shows to be the farm acreage in the various counties of my State, and particularly in those counties bordering on the Missouri River. I have already called the attention of the committee to the farm acreage of these counties bordering upon the western part of the State. Taking the tier of counties bordering on this area that we are to legislate about, on the east the county of Campbell by the census of 1900 has an average farm area of 417 acres, the county of Walworth 499 acres, Potter County 563 acres, Sully County 978 acres, Hughes County 437 acres, Buffalo 704 acres, Brule 490 acres, McPherson 488 acres, Edmunds 469 acres, Faulk 659 acres, Hand 669 acres, Jerauld 639 acres, Aurora 539 acres—making an average in those two tiers east of the Missouri River of 561 acres to the farm.

Mr. FORDNEY. About what proportion did Mr. Reeder find it necessary to make in Kansas?

Mr. MARTIN. I do not remember. Now, you will notice that east of this line [indicating] in South Dakota the average farm is much less, because the average farm of the entire State is 362 acres, whereas the average farm of these two tiers of counties is 561 acres, which shows by demonstration what we are all very familiar with—

The CHAIRMAN. Where do you get those figures?

Mr. MARTIN. From the census of 1900, which shows by demonstration the fact that in that State the line marking the rainfall of the State sufficient to carry on agriculture successfully passes almost through the center of our State. I have a map here from the Weather Bureau which illustrates that very nicely. It will be seen from it that the line marking the area of lands that have 22 inches of rainfall passes diagonally through our State, running from the northeast to the

southwest, and that the area west of that has not to exceed 15 inches of rainfall.

The CHAIRMAN. What is the western end of the State?

Mr. MARTIN. The Black Hills area over the country that I have described shows a rainfall of 20 inches.

The CHAIRMAN. Where is the 20-inch line—what counties?

Mr. MARTIN. That will take the west half of Lawrence, Meade, Pennington, and Custer counties.

The CHAIRMAN. And the rainfall east of that is how much—30 inches?

Mr. MARTIN. Twenty to 30 inches in the eastern part of the State.

The CHAIRMAN. Where does the west line of the 30-inch rainfall run?

Mr. MARTIN. It runs a little east of Sioux City, Iowa.

Mr. LIND. It runs along the west line of Minnesota.

Mr. MARTIN. It passes right through the eastern half of our State, cutting it so that there is about two-thirds east of the line and one-third west of the line.

The CHAIRMAN. Through Hand County?

Mr. MARTIN. A little east of Hand County.

Now, Mr. Chairman, I think that it is plain that after thirty or forty years of settlement in the western part of the east half of our State, throughout the counties that I have referred to, the farm acreage there has adjusted itself, approximately, to the necessities of a man to support his family. We have no large farms in our State like the Dalrymple farm in North Dakota. In each of these counties the average farm is substantially the usual farm, and is not made up by some small farms and some large ones. We have a homogenous population of settlers who are maintaining themselves upon their land.

Now, the rainfall west of the river in this area I have described I have in detail from the Weather Bureau. Now, you take the rainfall at Rapid City; the suggestion was made by the chairman if there had not been an increase of rainfall in the last two or three years. I do not find that to be the case—it is about the average. Rapid City is in Pennington County, just about the center, and is in the western part of this area that we are talking about. I notice that in the five years, from 1888 to 1892, inclusive, the average rainfall as shown by the signal station at Rapid City was 18.29 inches. I notice that for the past five years there has been practically no change in it—it having been 18.61 inches—and that agrees with my own observation. Occasionally there is a drought season, and all the range grass is burned up; but taking one season with another, the average will be about the same, and is sufficient to grow grass.

Mr. REEDER. Did you say 18 inches, or 8?

Mr. MARTIN. Eighteen inches. You will notice that Rapid City is right in the foothills at the beginning of the Black Hills Range.

Mr. SHIRAS. That has some timber.

Mr. MARTIN. Oh, yes, there is timber all around there. They are right inside of the pine forest of the Black Hills Range, one of the best irrigated valleys that we have. Now, you go away from the foothills, out into this open country, to Ashcroft, in the western part of Butte County, the western part of this area, and the rainfall for all of the years that they have had the station, 1893 to 1903, shows an average of 13.58 inches, and it is pretty uniform. It was down in one year as low as 10.50, and as high in one year as 19.46; but the general rainfall

is practically 13 inches. The station at Hot Springs, S. Dak., which is in Fall River County, and just within the foothills, and just outside of the timber belt, shows an average for the years that they have had the station there of 12.47 inches. The station at Leslie, which is about the center east and west of the area that we are discussing, shows an average rainfall from 1895 to 1903 of 15.85 inches. Oelrichs, which is in Fall River County, on the railroad, and close to the Nebraska line, shows an average rainfall of 19.25 inches for the last five years.

The records practically substantiate the statement that I have heretofore made that over this area that the bill applies to the average rainfall is from 13 to 17 inches, and rarely runs over 17 inches. I have been over most of this area, have been through it east and west, in the old stagecoach days, and I have driven in my own private conveyance over it, camping out every night. I have been across the country north and south up to the North Dakota line—was up there this summer—and I believe in all the efforts at settlement that there is not an individual in that country who is undertaking now to farm or to sustain himself on 160 acres unless by irrigation. As a rule they are occupying much more than that one way or another. Our State has not had the trouble about fencing its public domain that Nebraska has. We are witnessing the struggle between the settler who wants to establish himself and the old range conditions in which everybody takes the public grass.

Mr. Mondel, in his remarks the other day, made a statement that reminded me of the trip that I took up there when I went out from Bellefourche—and I want to say that Bellefourche in this area is the largest range cattle shipping point in the United States. More range cattle are shipped from there to the market than from any point in the country, amounting to hundreds of thousands each year. These have been raised, until the last ten or fifteen years, entirely by large companies. I don't know of any large companies having anything considerable in the way of a ranch. The ranches are made by the settlers who come in and establish themselves. They come in and take up their different kinds of claims to get a better foothold. As I passed up through that country I met one of those large outfits from Wyoming, with a mess wagon, from 50 to 100 cow horses, and 6 or 8 men returning from a shipment of beef cattle—a survival of the old conditions. I met great groups of cattle going to the station for shipment. I suppose four out of five of them came from settlers who have got hold in one way or another of some land, and who have little bunches of such stock.

We are now up against the proposition as to whether we can have settlements out there that shall be permanent—give us good citizens and taxpayers—or whether this country must remain wild as it has in the past. All of our delegation have considered this bill with a great deal of care. Our State legislature has passed a resolution, without any solicitation from me or any other member of our delegation, urging the passage of this act. Two telegrams and one or two letters have come from Sturgis, in Meade County, against the bill. I made a statement the other day as to who the gentleman, Mr. Buderus, is, who has been mentioned in connection with this opposition. The other gentleman who has wired here was my opponent for Congress in this last campaign. I have taken a little trouble to learn the views of the people in that locality, because the only opposition I have seen to this

measure has come from there. I have here a telegram in answer to one that I sent to the Hon. H. E. Perkins, of Sturgis, the county seat of Meade County. He was a senator from that county very recently. He says in answer to my telegram of the 19th:

Have investigated thoroughly and find over 90 per cent of our people strongly in favor of the sectional homestead law.

I have glanced through the petitions which have come here from the various localities—here are petitions from seven different post-offices in Meade County, signed by 254 citizens urging the passage of this legislation—and I am thoroughly satisfied that the opposition that has come from that locality is confined to the city and is very small indeed.

Mr. Chairman, I will attach to my remarks copies of two or three letters from settlers in western South Dakota, and the reports of the registers and receivers as to the working of the Kinkaid law in western Nebraska. I suggest we now proceed to consider this bill by sections to see if we can not get it in a form that is satisfactory to us.

The CHAIRMAN. Do I understand that the only opposition that has come from that locality is the two telegrams?

Mr. MARTIN. The only opposition that has come has been from that particular locality, excepting a letter which the chairman received from the publisher of the Sioux Falls Press. I have here notes and newspaper editorials and clippings from all over the State, and the only paper that I have discovered against the measure is the Sioux Falls Press and some opposition in the press at this particular town of Sturgis.

Mr. REEDER. I would like to inquire whether there have been any petitions or telegrams sent to the committee from either of those sections that the bills apply to, protesting against this law?

The CHAIRMAN. All of the telegrams that I have received I have handed to the reporter.

Mr. REEDER. The protests also?

The CHAIRMAN. The only protests that I have received are the letters and a few telegrams which I have handed to the reporter. I did not hand him the letter from Sioux Falls, but it is a general objection without specifying any particular objection, and, further than that, he thinks it is in the interest of the big cattlemen.

Mr. MARTIN. With the exception of that they are all in the record?

The CHAIRMAN. Yes.

Mr. MCCARTHY. I wanted to state that this man Campbell, as shown by this record, settled in Brown County, S. Dak., twenty-five years ago, over 100 miles east of any of this land which Mr. Martin contends is in the semiarid region, and he was pursuing his scheme there. He started his plan twenty-five years ago, and kept at it for some time. He was then called cranky in this State, and some said that he was not in his right mind.

Mr. MONDELL. In that country now they are raising good crops every year.

The CHAIRMAN. Brown County is thoroughly settled.

Mr. MARTIN. The average farm in Brown County to-day is about 500 acres and all the land is taken.

The CHAIRMAN. Every quarter section is taken.

Mr. MARTIN. It is all taken practically in the quantities to which I have referred.

Mr. REEDER. I would like to say a word or two in regard to this Campbell system.

The CHAIRMAN. I think we ought to give Mr. Brooks this time.

Mr. REEDER. I would like to be heard for a little while when the committee have time.

Mr. BROOKS. If I may interrupt Mr. Reeder, I think I can settle this matter.

Mr. REEDER. I want to talk about this Campbell system in my district. I have known that system for many years.

Mr. BROOKS. This is the fourth time that some members of the Colorado delegation have been before the committee. The bill affects the Colorado interests; we have some 200,000 square miles of territory, and we could not present the case in fifteen minutes. The conditions are entirely different from those existing in any other State or any other region.

Mr. MARTIN. I think it would be a good deal better to act along the lines suggested by Mr. Brooks, and I think we ought to perfect this bill and decide what we are going to do with it before we go into the Colorado matter.

Mr. BROOKS. We do not want to be foreclosed by any hurried action upon this bill, because the conditions are very different in Colorado. There are about 490,000 acres more public land in the area involved in this bill than there was six years ago. So we want to be heard.

Mr. MARTIN. I desire to offer some amendments to the bill to meet some opposition that has developed, and, I think, in the amended form it will appeal favorably to the committee. And I should like to proceed with this bill section by section until we have decided what to do with it. Then we can take up the Colorado bill.

The CHAIRMAN. How much time do you want, Mr. Reeder?

Mr. REEDER. I do not feel that I have had any time, because I was asked questions all the time. If I am given ten or fifteen minutes to-day, I intend to insist that I be permitted to talk without interruption. I desire to speak about one matter alone, the change of climatic conditions in western Kansas without a change of rainfall.

Mr. FORDNEY. You do not ask to make a statement, and if members of the committee do not agree with you they shall not be permitted to ask you questions, do you?

Mr. REEDER. I do. I insist that the committee let me make a statement of these facts, and that the time allotted me shall not be taken up in talking about theories in regard to matters not connected with the subject I desire to present. I would like a few minutes if you will allow me the time. Enough has occurred in this committee to indicate to me that the gentlemen of the committee do not understand the Campbell system. Some say that it is a system that requires more land. It requires less land.

By this Campbell process there is raised in my district 50 bushels of wheat to the acre where there is a rainfall of 15 inches. It will take just as much time to cultivate a certain tract of land, and it will raise just as much grain as by the old process in more humid regions. Over near Oakley, where the rainfall is less than 16 inches, by this Campbell process 52 bushels of wheat have been raised to the acre, where by the ordinary process but 18 to 20 bushels were raised. It will require less land for a home, because they cultivate the land two years in succession for each crop and cultivate it about twice as

much each season as they ordinarily do for a crop, but they get twice as great a yield—

Mr. MARTIN. What is the rainfall in that locality?

Mr. REEDER. From 15 to 20 inches. I haven't got the report with me this morning, but it is a less rainfall than you were giving for your section of country.

Mr. MARTIN. Through this section it ranges between 13 and 17 inches.

Mr. REEDER. The whole purpose of my remarks is to show you what has occurred in my own district in the way of a change of methods, a change of opportunity to make farms valuable, and the ability of the farmer to raise crops without a change of rainfall. If you will give me a few minutes I would like to show you this change of condition in western Kansas with no change of rainfall.

Mr. KNOFF. Do you claim that it takes just as much work to get just as much crop by that system?

Mr. REEDER. Yes, sir.

Mr. KNOFF. What does he gain by that?

Mr. REEDER. He can raise a crop—some crop—even in a dry country every year. You can actually, by this process, raise crops on the semiarid lands that will permit their occupancy for homes.

Mr. MARTIN. I think Mr. Reeder's remarks are hardly applicable to this matter. The average farm is 240 acres and the average rainfall all the way from 20 to 25 inches.

Mr. REEDER. Sixteen to 24 inches.

Mr. MARTIN. I don't find any 13-inch rainfall in the State of Kansas.

Mr. REEDER. Go to the westerly line; you'll find it there all right. At least as low as 13 inches at times and an average of 16 or less.

Mr. MARTIN. This is the fifth hearing that we have had on this bill, and I should like very much to proceed section by section and see if we can not meet the practical views of the committee by having a vote upon it. The matter is being heard before the Senate committee—

Mr. FORDNEY. I move that we vote upon this bill now.

Mr. MONDELL. I should like to have about four minutes. I made a statement before the committee the other day when I think there were about three members of the committee present.

Mr. MARTIN. We gave Mr. Mondell an hour and a half, and I would not object to giving him an hour and a half more if we could do so—

Mr. REEDER. I should like to have fifteen or twenty minutes, as I have as yet had no time to speak of what I regard a vital matter.

Mr. DIXON. I would like to incorporate the statement prepared in relation to the Campbell system at this time.

Mr. MILLER. Who is that statement to come from?

Mr. DIXON. It was prepared for me by Mr. Mitchell.

Mr. MILLER. I do not want it to go into the record until I have an opportunity to put my views in also. I want to examine this before it goes into the record.

Mr. LIND. Mr. Chairman, I was going to make this suggestion. Would it not be well to take the sense of the committee in regard to this bill? Now, I am heartily in favor of the general subject, but not the bill in its present form; but if a majority of the committee are against supporting a bill on these lines at all, why extend more time for hearings?

Mr. MARTIN. I think one of two courses ought to be taken, either to vote upon the proposition whether with such amendments as the committee deems wise shall be adopted and reported favorably with the bill or not. As far as the amendments are concerned, I want them made in the most liberal and broad way to cover the subject in the interest of the home builder.

Mr. LIND. I want to say that if we conclude not to recommend legislation on the lines indicated by this bill, it is absolutely essential that we ought to repeal the provision which authorizes homestead commutations up in that section. If we do not, all the lands that are worth having will be taken up by the big cattle interests at 50 cents an acre.

Mr. MARTIN. To get the subject to a vote, while the motion perhaps ought to be made by some other member of the committee, I move that it is the sense of the committee that this bill, with such amendments as the committee may adopt as safeguards in the interest of the home builder, shall be favorably reported at this session.

Mr. NEEDHAM. I move as a substitute that all the bills increasing the area of homesteads be indefinitely postponed.

The CHAIRMAN. The first question upon which we will vote will be the indefinite postponement.

Mr. NEEDHAM. I do not want to cut out these other gentlemen. Of course, if we are going to go on with this legislation—

The CHAIRMAN. The question is on the indefinite postponement of this bill and other bills of a like character for other States. The clerk will call the roll.

Mr. MONDELL. Will that give the gentlemen from Colorado an opportunity to present their views?

Mr. MARTIN. Yes.

The clerk called the roll, and announced that there were four votes in the affirmative and eleven votes in the negative, and this result was announced by the chairman.

The CHAIRMAN. That votes down the motion to postpone indefinitely.

Mr. MARTIN. My motion was that it is the sense of the committee that this bill, with amendments such as the committee may desire to make—

The CHAIRMAN. That will follow as a matter of course. The bill is before the committee and is open for amendment.

Mr. MARTIN. I would suggest that it would be wise in the meantime for a subcommittee, of which the chairman shall be one member, be appointed to suggest amendments to report at the next meeting.

Mr. LIND. I was going to suggest that this bill be specially prepared for the next meeting, and that the session be executive.

The CHAIRMAN. Mr. Brooks, we could give you your hearing next Wednesday.

Mr. BROOKS. We do not want to intrude upon the committee, but this is the third time we have been here. We would like to have it made a special order for next Wednesday if we could have it.

Mr. MILLER. I move that the Colorado matter be made a special order for next Wednesday.

The Chairman put the motion and announced that it was carried.

On motion of Mr. Martin, a committee of five, to include the chairman and Mr. Lind, was authorized to prepare amendments to the bill for the executive meeting on Friday.

Mr. MARTIN. I desire to have printed in this report the memorial of the State legislature of South Dakota, which is as follows:

A JOINT RESOLUTION memorializing Congress to so amend the law to make the homestead six hundred and forty acres in certain portions of South Dakota.

Be it resolved by the house of representatives, the senate concurring therein:

Whereas justice to the settler, and the best interests to the whole State alike demand the enlargement of the homestead on the west side of the Missouri River in South Dakota.

Therefore the members of the Ninth Legislative Assembly of the State of South Dakota would respectfully petition the Congress of the United States to enact a law making the homestead entries in that part of South Dakota lying west of the Missouri River, six hundred and forty acres each maximum, and to permit those who have heretofore made homestead entries in said district an addition amount to make the total of six hundred and forty acres: and

Be it further resolved, That the secretary of state be and he is hereby authorized and directed to send a certified copy of this resolution and memorial to the President of the Senate of the United States, the Speaker of the House of Representatives in Congress and the Senators and members of Congress from the State of South Dakota.

(Endorsed:.) I hereby certify that the within originated in the house and was known in the house files as house joint resolution No. 1.

H. C. DUNHAM,
By J. M. MILES.

STATE OF SOUTH DAKOTA,
Office of Secretary of State, ss:

Filed February 2, 1905, at 1.20 o'clock p. m.

D. D. WIFF,
Secretary of State.

A joint resolution memorializing Congress to so amend the laws as to make the homestead six hundred and forty acres in certain portions of South Dakota.

J. L. BROWNE,
Speaker of the House.

Attest:

H. C. DUNHAM,
Chief Clerk.

By J. M. MILES,
Asst.

J. E. McDUGALL,
President of the Senate.

Attest:

L. M. SIMMONS,
Secretary of the Senate.

Mr. MARTIN. I will also have printed in this connection several letters and petitions from citizens who are well acquainted with the conditions in that section of the country:

DECEMBER 7, 1904.

HON. EBEN W. MARTIN.

DEAR SIR: Kindly allow me to say a few words in regard to the bill that passed by Congress known as the Kinkaid homestead bill, allowing the actual settler 640 acres of land in the sand hill district of Nebraska, and as I understand you favor an extension of said law to the district west of the Missouri River, in South Dakota, kindly allow me to say that in 1893 I moved from Iowa and settled in Fall River County, S. Dak.

I found by experience that this arid region was not adapted to farming, and I tried a few head of cattle, but my little farm was not sufficient to support the few cattle that I was able to buy, and not having money enough to buy more land, after a five years' struggle to keep up and pay taxes, I went to work by the month to support my family and pay debts that I had contracted; and why should this be—because I could not get land enough to feed a few head of cattle; because the men who had money could put cattle enough on the outside range to eat up all the grass and the poorer class must feed their few cows at home.

Now, sir regardless of what the opponents of this bill may argue, if you have any love in your heart for the poorer class—the small rancher—the man who can not buy land, the class of men who have been debarred from getting land enough to winter a few cows on, then do all you can night and day for the extension of this law, that we, the needy, may stay in this region of God's footstool and build up homes, where we can live on a section of land, but where we can't live on a quarter section; so we can stay where we have put in so many hard days' work, that we might have a home for ourselves and children, and thereby help our county out of a struggle for life.

And, now trusting that this may find you able to be up and doing that for which we worked in electing you to represent us in the halls of Congress.

Trusting you as the friend of the poor man, I subscribe myself,

Yours, most truly,

JOHN EASTMAN.

Fairburn, Custer County, S. Dak.

HERMOSA, S. DAK., *December 18, 1904.*

HON. EBEN MARTIN,
Washington, D. C.

MY DEAR SIR: I notice that you have introduced a bill to give 640 acres homesteads in certain portions of South Dakota. I hope this bill will pass. I have had nineteen years' experience in this country. I preempted a quarter section and spent \$2,000 on it, and had to abandon it. I could not make a living on it. Eight years ago I leased a school section, 640 acres; fenced it, and since then I am living and making some money. A man with any energy can make a good living on a 640-acre homestead, but will "go broke" on a 160-acre homestead. This dry land will all be taken up, and in a short time we will have schoolhouses and churches, where we now have nothing but a barren waste of a desert. Push it along; it is a good thing. I haven't seen a man but what is in favor of the bill.

Wishing you a merry Christmas and a happy New Year,

I am, very truly, yours,

JOHN F. BAKER.

HERMOSA, S. DAK., *December 16, 1904.*

EBEN W. MARTIN, *Washington, D. C.*

DEAR SIR: I do hope the bill you have introduced will go through, in reference to the 640-acre homestead act. If you get this bill through it will give the little man room to make pastures to hold his stock on in times when the ground is wet. When the grass is just starting the stock graze on the low, wettest ground most, and where, if this ground were fenced by private individuals, they would hold their stock off of the low, marshy ground till the grass would get started and the ground would dry off. What I mean is, there is more ground tramped out in early spring than there is eaten out, and if this land was pastured and the stock handled properly the same land would carry double the amount of stock and at the same time each man would have his stock at home. I think this bill should pass by all means.

Many thanks to you for the little trout fish you had sent from the Fish Department. They are doing fine; would like to put in a lot more if I can get them.

Yours, truly,

J. E. REDDICK.

RAPID CITY, S. DAK., *December 8, 1904.*

HON. EBEN W. MARTIN, M. C.,
Washington, D. C.

MY DEAR MR. MARTIN: John Burke has just been in, asking my opinion as to the result of your 640-acre homestead bill from the standpoint of the large cattleman.

From what I understood, he wanted to know if those interests could obtain control of large tracts of Government land under such a law, and it has occurred to me that I should write you on the subject, for I want to assure you that under a five-year residence requirement no person could undertake such an arrangement to acquire title. It would make the price positively prohibitive.

I want to say to you, Mr. Martin, that in my opinion the 640-acre homestead is directly in the interest of the small stock man and actual settler. You are familiar

enough with the situation here to know that this country is in process of change from the large cattleman to the small stock farmer. It is the latter who is clamoring for more land, and properly so, for he can not exist under present conditions without more land, and if some relief is not afforded he can not prosper, and we will lose both interests.

I have investigated this matter very carefully, and have become so thoroughly convinced that I have sent petitions to all of the post-offices west of the river for signatures, which are being liberally signed and will reach you in due time.

With my personal regards, I am,

Sincerely yours,

THOS. SWEENEY.

The following petition has been circulated and signed by citizens residing in various parts of South Dakota. It is not deemed advisable to print the names, but the number of persons who receive their mail at the post-offices designated will be found in a list following the petition:

PETITION IN FAVOR OF 640-ACRE HOMESTEADS IN SOUTH DAKOTA.

To the Congress of the United States, Washington, D. C.:

We, the undersigned citizens of the State of South Dakota, do respectfully petition that the act of April 28, 1904, amending the homestead laws as to certain lands in western Nebraska, allowing a 640-acre homestead, be extended to all that portion of the State of South Dakota west of the Missouri River.

In support thereof we respectfully represent that it is not possible for a settler to make a living for himself and family upon a quarter section of what is known as grazing land; that the country west of the one hundred and second parallel, known as the Rapid City land district, was opened to settlement April 11, 1877, and that there remains at this time 7,500,000 acres unappropriated, 300,000 acres unsurveyed, and 2,700,000 acres reserved, or, 10,500,000 acres unoccupied, out of a total of 13,000,000 acres of land that was open to settlement twenty-seven years ago, which we present as indisputable evidence that this action is timely.

And your petitioners will ever pray.

Names.		Names.	
Rapid City, S. Dak	268	Smithwick, S. Dak	28
Elmsprings, S. Dak	27	Whitewood, S. Dak	10
Folsom, S. Dak	17	Bixby, S. Dak	37
Ashcreek, S. Dak	12	Blackhawk, S. Dak	78
Edgemont, S. Dak	61	Stearns, S. Dak	19
Dalzell, S. Dak	47	Interior, S. Dak	23
Ardmore, S. Dak	15	Fort Pierre, S. Dak	172
Smith, S. Dak	21	Camp Crook, S. Dak	32
Grindstone, S. Dak	9	Volunteer, S. Dak	9
Philip, S. Dak	10	Vesta, S. Dak	19
Manila, S. Dak	15	Provo, S. Dak	12
Hardingrove, S. Dak	14	Macy, S. Dak	6
Hayes, S. Dak	39	Bend, S. Dak	20
Leslie, S. Dak	26	Bellefourche, S. Dak	79
Whiteowl, S. Dak	64	Chance, S. Dak	90
St. Onge, S. Dak	50	Hot Springs, S. Dak	118
Hereford, S. Dak	26	Lithia, S. Dak	7
Stoneville, S. Dak	29	Hermosa, S. Dak	25
Oelrichs, S. Dak	28	Topbar, S. Dak	38
Cascade Springs, S. Dak	17	Fairburn, S. Dak	25
Dakota City, S. Dak	32	Menesla, S. Dak	7
Reva, S. Dak	26		
Harding, S. Dak	50	Total	1,754
Farmingdale, S. Dak	31		

Thereupon, at 12.10 p. m., the committee adjourned until Friday, January 27, 1905.

COMMITTEE ON PUBLIC LANDS,
Wednesday, February 1, 1905.

A BILL [as finally reported by the committee] to amend the homestead laws as to certain unappropriated and unreserved lands in Colorado.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after nine months after the approval of this Act entries made under the homestead laws in the State of Colorado east of the one hundred and fifth meridian of longitude, and not within forest reserves or other reservations, shall not exceed in area six hundred and forty acres, and shall be as nearly compact in form as possible, and in no event over two miles in extreme length, nor more than one mile in length along the course of a stream of water: *Provided,* That there shall be excluded from the operation of this Act such lands within the territory herein described as in the opinion of the Secretary of the Interior it may be reasonably practicable to irrigate under the national irrigation law or by private enterprise, and that said Secretary shall, prior to the date above mentioned, designate and exclude from entry under this Act the lands which in his opinion it may be practicable to irrigate as aforesaid, and shall thereafter, from time to time, open to entry under this Act any of the lands so excluded which upon further investigation he may conclude can not be practically irrigated in the manner aforesaid.

SEC. 2. That a former homestead entry within the area above described shall not be a bar to an entry under this Act of a tract which, together with the former entry, shall not exceed six hundred and forty acres, and any homestead settler within the territory above described whose claim has not passed to final entry at the time this Act shall become operative may have the privilege of relinquishing such claim, and may thereupon make a new homestead under this Act of not to exceed six hundred and forty acres.

SEC. 3. That a settler under the homestead laws of the United States, within the territory above described, who owns and occupies the land heretofore entered by him or whose claim has not passed to final entry may, under the provisions of this Act and subject to its conditions, enter other lands contiguous to his homestead entry which shall not, with the land already entered, owned, and occupied, exceed in the aggregate six hundred and forty acres; and residence upon the original homestead shall be accepted as equivalent to residence upon the additional land so entered, but final entry shall not be allowed of such additional land until five years after first entering the same. Any former homestead settler whose entry was made prior to January first, nineteen hundred and five, and who shall be entitled to an additional entry under this section shall have, for thirty days after the homestead provisions of this Act become operative, the preference right to make such additional entry, and all conflicts under the preference right hereby conferred shall be equitably adjusted by the Secretary of the Interior.

SEC. 4. That the fees and commissions on all entries under this Act shall be uniformly the same as those charged under the present law for a maximum entry at the minimum price. That the commutation provisions of the homestead laws shall not apply to entries under this Act, and that at the time of making final proof the entryman must prove affirmatively that he has resided on the land continuously for five years and has placed upon the land entered permanent improvements of the value of not less than one dollar and fifty cents per acre for each acre included in his entry, which improvements must be made to the extent of at least thirty cents per acre per annum and proof thereof made to the local land office each year, under such regulations as the Secretary of the Interior may prescribe in that behalf: *Provided,* That improvements made in any one year and proof thereof as required by such regulations in excess of thirty cents per acre per annum shall apply on the requirements for subsequent years: *Provided further,* That when a homesteader under the provisions of this Act shall have served as a private soldier or officer in the Army, Navy, or Marine Corps of the United States during the war of the rebellion, or during the war with Spain or the Philippine insurrection, and shall have been honorably discharged, the time which such homestead settler has so served shall be deducted from the time hereinbefore required to perfect title; or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time herein required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least three years after he shall have commenced his improvements, which improvements shall be of no less value than one dollar and fifty cents per acre.

The committee called to order at 10.20 o'clock a. m.

The CHAIRMAN (Mr. LACEY). The committee will please come to order informally, and we will proceed as we are.

STATEMENT OF THE HON. FRANKLIN E. BROOKS,

A Representative from the State of Colorado.

Mr. BROOKS. Mr. Chairman and gentlemen of the committee: This bill is a bill that I introduced a year ago, in general terms providing in the same manner for the State of Colorado that the Kinkaid bill provides for western Nebraska.

The CHAIRMAN. What is the number of the bill, Mr. Brooks?

Mr. BROOKS. I think the number of the bill is 18787.

The CHAIRMAN. The reporter will please note the number of the bill.

Mr. BROOKS. I reintroduced it in substance with the Martin amendment on Monday. The bill as originally introduced covers the whole State of Colorado, and it still covers the whole State; but on that point I will, of course, leave it to the suggestions of the committee. I said that the bill as still introduced covers the whole State of Colorado, but, in other words, I do not care to take the initiative as to the cutting down of the area involved, and on that matter I am open to the suggestion of the committee.

The CHAIRMAN. Would you object to having it include the lands east of the foothills?

Mr. BROOKS. Personally I should not. I would say as to the land lying west of the green line on this map that I show to you, being a postal route map of the State of Colorado, that there is a diversity of opinion. That line [indicating] skirts right along the line of the foothills, as nearly as I can get it, and that line [indicating] skirts along the line of the 15-inch rainfall; and there [indicating] is a good deal of land that is properly open to the operation of this bill, and there is also a good deal of unappropriated land of the Government.

Mr. MARTIN. East of the valleys, along the foothills, do you not have 20 to 25 inches of rainfall?

Mr. BROOKS. I have here a precipitation map of the United States. The 15-inch line of rainfall follows almost exactly the eastern line of the State down to the Ratoon country of New Mexico, following the configuration of the country. The 15-inch line goes down the eastern boundary of the State; then it goes west to the foothills. For three or four hundred miles it is on or near the one hundred and fifth parallel as it could be. There is the one hundred and fifth parallel [indicating on the map] and there is the 15-inch rainfall line [indicating]. Within this area that is included within this dotted line [indicating] the average rainfall is 10 to 15 inches and the actual average is about 13½ inches. It practically means this, that everything lying east of the green line and west of the east line of the State is in the bill, and that within the rainfall of 10 to 15 inches where the average is, as I say, about 13½ inches of actual fall.

The CHAIRMAN. You adopt the one hundred and fifth parallel as bounding the actual available land from that east? Would you have land, then, that would correspond with the general Dakota land as claimed in the bill? When you come to the one hundred and fifth

parallel you take in a great many valleys that might be excluded under the operation of the law?

Mr. BROOKS. The land between the one hundred and fourth and one hundred and fifth parallels has practically all been taken up excepting that which is absolutely arid. I can indicate on the map here what the sections are. [Indicating on the map.] Those counties are just as arid as they can possibly be, but some of the strongest pleas that I have had for the introduction of this bill have been in relation to the land along in there, between the one hundred and fourth and one hundred and fifth meridian. I think the one hundred and fifth meridian would be a much better line, as a dividing line, than the one hundred and fourth.

Mr. MARTIN. From my own observation I would too. I think that Mr. Brooks's statement upon that subject coincides with what is in my mind.

Mr. BROOKS. Close to the mountains, close to Denver, along the line of the one hundred and fifth meridian, as shown there, irrigation has been carried on for years wherever it could be undertaken. All the tracts have been taken up along here [indicating] that it is possible to take up. Every foot of land along Fountain Creek from up in here [indicating] and considerable along the line of the Arkansas River. There is some along the Platte and along in here [indicating] in those valleys, the land has been taken up.

The CHAIRMAN. I am quite familiar with that entire country and have been all over it, and my impression is the same as yours, that the land which has been previously irrigable, under the previous conditions, has all been taken up. With the improved methods of irrigation, and the disposition now to get larger reservoirs and carry the ditches higher up, a good deal of land in that region now would probably come in under the ditches.

Mr. BROOKS. Yes. I have followed this very carefully and I rather think that you would not gain anything by taking the one hundred and fourth meridian instead of the one hundred and fifth. I think it would make a good deal of saving to take the one hundred and fifth meridian.

I would like also to say that the water for these open high ditches has been appropriated over and over again. The supreme court of the State of Colorado has declared judicially that the waters of the north and south fork of the Platte River have been appropriated something like thirty-five times over their normal capacity. This area covers a section that has been open for settlement since 1866, and it has really been open since 1858; and it has actively been before the public mind since 1867, when the Greeley colony was established. Denver was founded in 1858 and 1859, and Colorado Springs, I think, in 1861. It has therefore been open for settlement around about forty years. This territory is traversed by six trunk lines of railway, running east and west and north and south. Now, of course, the committee has gone over this subject very thoroughly, but I have had tabulated some figures which I think are exceedingly suggestive, and I would like to call your attention to them. The farm unit is shown for the last census for the State of Colorado to be 386.6 for the whole State. That includes the highly irrigated land around Rocky Ford, Greeley, Fort Collins, and Boulder, where the farm unit comes down as low as 197 acres. The farm unit in Baca County is 567 acres. In Washington,

534; Bent, 432; Lincoln, 1,181; Kit Carson, 289; Elbert, 867; Yuma, 341; Logan, 466; Morgan, 331; Douglas, 648; Boulder, 197; Wild, 277; Otero, 300; Kiowa, 521; Prowers, 496; Cheyenne, 2,096.

Now, Cheyenne and Lincoln counties are right in here [indicating]. They are traversed by the Kansas Pacific Railroad. They are old counties, and a large amount of land originally was taken up; and that illustrates the process that Mr. Martin spoke of at the last hearing of the committee. The land originally taken up has passed from private ownership in sections and quarter-sections into large holdings of ranches. There is one ranch that I know of containing 125,000 acres under fence. You will note, therefore, that in those counties the average farm unit is about 600 acres. I have compared carefully the figures in the land office in 1898 and 1905; that is, five and one-half years. The total area will exceed 66,000,000 acres. The area unsurveyed is 35,831 acres. There is practically at the present time about 13,000,000 acres of unappropriated available land still in the State, and of this there are over 14,000,000 acres in these four eastern land districts.

MR. MARTIN. Is that practically east of the one hundred and fifth meridian?

MR. BROOKS. Yes, sir; in these four districts. In 1905 the total area in the districts was 14,500,000 acres; and adding that which is west of the one hundred and fifth meridian, would bring it up to about 16,000,000 acres; and there was unappropriated in that area, unsurveyed—that is, land upon which anyone could settle—upon the 1st of January, 1905, unappropriated, 7,457,575 acres, or 15½ per cent of the total area of land in that section. Six years ago the total land that was unappropriated was 47.3 per cent, or 6,885,336 acres. Within the last year there was taken up in the public grants 900,000 acres in round numbers.

There was practically nothing taken up by the section, that is, under the new land-section act. Taking out the difference between the railroad land grant and the land that is covered back, the figures that I have in this tabulation show that the settlements have failed to keep pace with the abandonments and cancellations, so that 496,735 acres more land was lost to the settler than there was taken up in those five years in that district. The same thing is shown and very conclusively shown by the number of entries in the last calendar year in this eastern section; in other words, the entries of land in that part have practically ceased in an area three times as great as the size of the State of Massachusetts. There were last year only 240 final entries of all kinds of settlers; that is to say, timber culture, soldiers, commutation, desert-land homesteads, and every other kind of entry excepting the entries en bloc. And the total amount of lands taken up in that area was only 35,000 acres.

MR. FOSTER. You spoke about abandonments; do you mean relinquishments?

MR. BROOKS. Abandoned and canceled. A very large area has been canceled because they filed timber and culture claims.

THE CHAIRMAN. Have you prepared a statement of the amount of land taken in the State of Colorado under the desert-land law?

MR. BROOKS. That is very small, but I have it right here. I can not put my hand upon it just now; but I will put it in the record. The desert-land law has operated to a very small extent in Colorado.

Now, I have had the Census Bureau prepare for me the relative populations of these 16 counties that I am talking about, and I wish to say that out of the 16 nine have actually lost in population a very large amount. In one county there has been an increase of about 200, in the remaining 15 there have been small increases, but that increase in almost every instance has been made up by the increases in the towns and not by the increases in the country districts. For instance, take the county of Baca. They had 1,479 people in 1890 and in 1900, 759. There is a loss of more than half.

In Cheyenne County in 1890 they had 534 people, and in 1900 they had 501. In Douglas County in 1890 they had 306 and in 1900, 3,120. That increase has been a good deal more than made up by the growth of the towns of Sedalia and Castlerock, both having considerable settlement within the last ten years. Those two towns have increased about 500 people. Kiowa County in 1890 had 1,243 and in 1900, 701. Kit Carson County in 1890 had 2,472 and in 1900, 1,580. Lincoln County in 1890 had 689 and in 1900, 926. There has been a division point on the Kansas Pacific Railroad established at Hugo and that accounts for that. Logan County in 1890 had 3,070 and 1900, 3,292. The growth in the town of Sterling, which is a very prosperous community, accounts for that increase.

The CHAIRMAN. Is it presumed that the population has fallen away in the country more than the towns, because some of the towns have been boomed?

Mr. BROOKS. That is true of some of them, of course, but not of the towns that I have been talking of. I think the loss in eastern Colorado is more on account of the abandoned homesteads and timber-culture entries than anything else. I know that is the way it has been in my own county, and I have taken a good deal of pains to watch the development of the eastern part of El Paso County, in some parts of which they have lost half their population since 1896. In Phillips County in 1890 there were 2,642 and in 1900, 1,583. In Washington County in 1890 there were 2,301 and in 1900, 1,241. In Yuma County in 1890 there were 2,596 and in 1900, 1,729. That, you will bear in mind, is in spite of the fact that these seven lines of railroad have been exploiting that country, and the Agricultural Department has been working on the land in addition to that. My careful judgment is that the limit of possible settlement on the one hundred and fifth meridian east of what has been taken has practically been reached.

Mr. FOSTER. Will not the new irrigation laws compensate them in some way?

Mr. BROOKS. Not in that part of the State to any considerable extent. In Sedgwick County, in the northeastern part of the State, one of the first irrigation projects that the Hydrographic Survey started up was a proposed reservoir in the northeastern part of our State. There was withdrawn from settlement a large area of land in there, and a great many filings were made. It was soon found that a reservoir was impracticable, and the land is coming back. I am receiving letters from poor fellows who were out there and tried to settle in the hope of the national irrigation scheme helping them out. I do not think there are any irrigation projects in eastern Colorado that will be at all practicable nor on the eastern side of the mountains, excepting possibly up in Larimer County. The Hydrographic Survey is dividing its attention entirely between the Uncompahgre Valley and Grand

Junction. There is a tentative scheme in Grand County. They do not consider that the eastern part of Colorado is available territory for the national irrigation act.

Mr. FOSTER. Why was not this included in the Kinkaid law?

Mr. BROOKS. For the reason that these bills are all separate bills. Mr. Kinkaid did not include any of our territory in his bill, and I am not trying to have my bill include any of Mr. Martin's territory. I think there are good reasons for that method. The conditions in Nebraska, while they are strong for that territory, are not strong for different reasons which prevail in Colorado. The conditions in North Dakota, South Dakota, and Colorado are all different, and the reasons are stronger in one case than in another—that is, the reasons are different. There is no section excepting Nebraska which has been so thoroughly exploited as has eastern Colorado. Of course, the northern and northeastern part of Colorado have not been traversed by railroads as has eastern Colorado. You will remember that very early the Union Pacific people built from Cheyenne down, and then the Kansas Pacific was built in 1870. Then the Burlington came in, then the Santa Fe came in in 1880. These roads have been in there, and I think four out of six of them were built before 1880.

The CHAIRMAN. As to your condition there, what proportion of railroad land has been taken up by private owners?

Mr. BROOKS. I have not the figures, but I know in a general way that a great deal of the land is still not taken up.

The CHAIRMAN. At what price is it held?

Mr. BROOKS. \$1.50 to \$2.50 per acre.

The CHAIRMAN. Could they take sections of that land and make a living on a section of it?

Mr. BROOKS. No; I do not think so.

The CHAIRMAN. What assurance have you that the same trouble will not occur again as to the public land if we make a homestead of a portion—

Mr. BROOKS. Oh, I did not catch your question. Oh, yes; I think they can. In the great majority of cases I think a section is enough. I thought you referred to a quarter section. I have tried to advise myself very carefully on this matter. I sent out through the Republican State chairman, to over 1,200 people, special letters, and I also sent out, through the National Live Stock Association and through the cattle and sheep men who are on my general mailing list, requests for information as to what they thought of this particular bill. From all of those letters I had only four distinct and individual protests. One of these thought that it was a scheme to unload the railroad land. He did not seem to think that the Union Pacific, with its large area of land holdings, would be benefited by this bill because they would not want the Government land to come in competition with the railroad land. Another thought that it was in the interests of the sheep and cattle men, and the third was one of the large sheep men of the State. It simply shows that the protests were entirely personal.

Mr. DIXON. Mr. Brooks, some letters have been sent out recently about these hearings, and have been printed in the last few weeks—syndicated letters.

Mr. SHIRAS. The statement has been sent out that the evidence before this committee established the fact that in no place in the West would 160 acres support a man and a family, and that is the keynote

to that particular letter. It is claimed that the committee has taken this position, that no man in the West can on 160 acres support a family. Of course, a statement sent out broadcast like that reflects upon the judgment of this committee. However, it may be that with this particular proposition, the letter has been mailed to practically every member. I received one last night, a marked copy.

The CHAIRMAN. In the syndicate letters which I have seen, one of the special complaints which I noticed was that they could take this land and, in six months after settling upon it, take it up under commutation. That is an utter misstatement of all the bills. Mr. Martin's bill provided that in six months you could take it up at 50 cents an acre.

Mr. MARTIN. Mr. Chairman, you have been on this committee for a number of years, and are familiar with this matter; and if it is a proper question to ask, I would like your judgment or recollection as to whether this committee has ever recommended a law or a bill which is as thoroughly safeguarded to protect the actual homemaker and settler as the one we reported out the other day?

The CHAIRMAN. I think it is a very carefully guarded bill. My objection to it was because at first I thought it was premature. I thought the bill was best applicable to conditions that would obtain more particularly after the lands are settled by actual settlers. But I think it is a very safe bill, in my judgment.

Mr. MARTIN. I asked that question because these gentlemen already intimated, and you stated, that the burden of the syndicate letters, so called, is that this is a piece of legislation to throw property into the hands of large owners instead of putting it at the disposition of the actual settlers, and that is an absolute misstatement in the face of what ought to be absolute knowledge in the matter.

Mr. RODEY. Who is the syndicate writer?

Mr. SHIRAS. A correspondent by the name of Mitchell.

The CHAIRMAN. Mr. Mitchell knew the facts to the contrary. I do not know whether his letter is the one that contains this matter about commutation, but I know Mr. Mitchell knew there was no commutation in it.

Mr. MARTIN. In that letter it was made to appear that it would pass with the commutation in it. That was said by Mr. Mitchell.

The CHAIRMAN. He is greatly mistaken, or else he may have written that particular letter before he had ascertained the facts. He did know—I do not know whether then or after this letter was written; but I had a talk with him on the subject of this bill, and his attention was called particularly to the commutation feature, so that he must have known.

Mr. SHIRAS. It has been thoroughly established here that 160 acres is ample for a homestead, when well watered. There is no question about that. The only question is whether in the semiarid lands there should be an increase in the size of the holding.

Mr. BROOKS. There has been no statement before this committee, and I am not aware that it has been made anywhere in the West, that 160 acres is too little to support a family on, except under the peculiar conditions that obtain in the semiarid region.

Mr. VOLSTEAD. I know in Minnesota some of them get along very nicely on 80 acres.

Mr. MARTIN. I think it is putting the case mildly to say that at least some of this syndicate correspondence has been purposely pre-

pared to deceive readers as to the facts and to place the committee and the supporters of this legislation in an untrue and incorrect light on the subject.

Mr. BROOKS. There is one point I wanted to impress upon the committee, and that is that one of the great causes of loss in that country has been the destruction of the range. There is no way with which I am familiar of protecting a range as long as the range is open country and can be grazed on at will by as many sheep or cattle as can be gotten on it. There is no incentive to the man who has no title to the soil to protect the range. It is a well-known fact that the amount of grass on the available range has deteriorated very rapidly.

In this correspondence that I have had, a great number of people, who are most intelligent, have urged upon me the importance of that feature. The country would change from a stock country, herded by large herds of sheep and cattle, to a country of small holdings. A man would have a little bunch of cattle on his 160 acres, but in general the character of the country would change from a grazing country to one of a settled habitat, where a man would own a title to the land and provide his share of the public expense. The change would bring in large amounts of taxable property and would develop and bring out those counties that are struggling now without proper school facilities and in poverty, with their administration of justice imperfect, and their terms of court far apart, because at present they have not sufficient revenue.

The most definite and speedy measure of relief that I know of would be to bring more land under taxation. Some of this land in the Lamar district is a garden spot. Some of the land there has been taken up for twenty years. I have seen land there, since the beet-sugar industry came up, rise in value from \$10 an acre to \$100 an acre.

Mr. VOLSTEAD. That is by means of irrigation?

Mr. BROOKS. Yes. That is under ditch. There are in that district nearly 4,000,000 acres of unappropriated public domain at the present time. The result is that the men who have taxable property, who have their homesteads, have proved up, and the men who reside in towns have to bear a disproportionate share in the expense of the county government.

Mr. MARTIN. Upon that subject of taxation, if I do not interrupt you, permit me to say that from close observation in counties in west and South Dakota that have been settled now for twenty years I know that the taxes upon a few people that have succeeded in maintaining themselves in the counties are so high that those people are taxed almost out of existence. They can not maintain their schools. There are a few there who maintain the entire expense, and the burden is so large and has become so serious as to almost wipe their property interests out.

Mr. BROOKS. I think anyone who is at all familiar with that country will bear out the truth of that statement, that it is a very great detriment, indeed, to us that the lands are not paying their proper share of the burden of taxation.

I believe the effects of this bill will go far toward settling the controversy between the sheep and cattle men, and each man, knowing that he can not trench on the other, will eventually bring an end to this business.

Something has been said about the number of cattle that can be pastured on a given area in Colorado. So far as my information is involved, I think probably, taking it by-and-large, 12 acres to a head is about as fair a figure as you can make.

Inasmuch as a great deal has been said about the rainfall, and inasmuch as the committee may think this country is all in the belt where we have from 15 to 20 inches, I think it is within the limit to say here that the average rainfall in this loop is not more than 14 inches a year. At Colorado Springs, where the observations have gone on for thirty-five years, since 1870, the average rainfall is 13.4 or practically 13½ inches. That is near the foothills, near the Divide; and the rainfall would be larger there than it would be farther eastward, away from the mountains.

There is not over 14 inches of rainfall there. Some of you gentlemen have come into the room since I made some statements about that earlier in the course of my remarks. I have figures here. The green line of the one hundred and fifth meridian is the practical line marking the foothills, and it is the line of demarcation of the Weather Bureau reports between the 15 and 20 inches of rainfall. This matter has been gone over so thoroughly that I think the committee fully understands it.

Mr. MARTIN. Suppose your bill should cover the entire State of Colorado. If the committee should conclude to take final action upon this legislation, would it be satisfactory to you and your associates from that State that the western line of the area to be affected should be no farther west than the one hundred and fifth meridian?

Mr. BROOKS. It would be satisfactory to me.

Mr. SHIRAS. I understood you had two bills, one covering a portion of the State and the other covering the entire State.

Mr. BONYNGE. That latter is my bill.

Mr. BROOKS. I said to the committee and to Mr. Bonyngé that I was willing to have my bill amended so as to fix the one hundred and fifth meridian as the western limit of its application. The same condition exists all across the eastern belt, there.

It would be hard to say whether there is a greater demand for this legislation in one section of that region than in another. But I would like to read you one letter, because it is characteristic, and then I want permission to put in the record quite a number of other letters.

The CHAIRMAN. I notice also, Mr. Brooks, that there is a considerable area of unsurveyed land in Colorado. Would there be any of that unsurveyed land east of the one hundred and fifth parallel?

Mr. BROOKS. No, sir; that land has been surveyed for a generation.

The CHAIRMAN. The unsurveyed land ought to be included, ought it not?

Mr. BROOKS. Yes. I am frank to say that there are conditions in the western part of the State that do not exist in the eastern part, and it would be hard for me to make up in my own mind the desirability of including the mountain parks. That part has been opened up. It is in the northwestern part of the State.

Mr. MARTIN. Personally, from a residence of twenty-five years, practically right on the same line of longitude as this, and with some familiarity with the Rocky Mountains, I would think it a great mistake to put 640 acres there as the homestead unit within the foothills, because the rainfall there is between 20 and 30 inches, and the soil is a

rich alluvial soil, washed from the mountains; and I know from observation in the Black Hill country, which is quite similar, that a 160-acre farm will produce enough to support a family.

Mr. SHIRAS. Where the rainfall is 14 or 15 inches, and there is a watershed, I think it is sufficient to support a family.

Mr. MARTIN. Each case would depend upon the watershed and upon the facilities for utilizing it upon the ground. Something can be done in the way of irrigation by a watershed where there is an irrigable stream.

Mr. BROOKS. That is also qualified by the character of the subsoil and the practicability of making reservoirs. A great deal of that soil is loose sandy loam, and with a limited watershed and a limited flow of water it is not practically feasible to make large reservoirs in that section.

Now, this letter is from Mr. C. C. Hemming, vice-president of the El Paso National Bank, Colorado Springs. He has lived, up to a few years ago, in Texas. He is a large cattle man, a Democrat, and nevertheless, a fine citizen. [Laughter.] I know him very well. He is closely in touch with the stock interests in that country. I speak of this because there have been attempts to show that the stock interests are opposed to this bill. He is more nearly associated with the stock interests than anybody else who is not actually a member of the Livestock Association. Mr. Hemming's letter says:

THE EL PASO NATIONAL BANK,
Colorado Springs, Colo., December 2, 1904.

Hon. F. E. BROOKS, *City.*

• MY DEAR SIR: Your move to get a bill through Congress, making a homestead in this State 640 acres, is the right move, and the only one which will settle up the surrounding country, and is of vital interest to Colorado Springs and every town in Colorado. No man can make a living on less than 640 acres, and I hope you will push it through with your natural energy to a success in the first Congress, regardless of any opposition by those who would hinder it for personal and selfish reasons.

Very respectfully,

C. C. HEMMING.

Then, I have a telegram here from Mr. F. J. Chamberlin, president of the Colorado State Realty Association—a very active association—which says:

DENVER, COLO., January 30.

Hon. F. E. BROOKS,
House of Representatives:

Members of our association—business men and stockmen generally—are in favor enlarged homesteads for eastern Colorado. The plains districts can not be settled up and developed satisfactorily under existing land laws.

F. J. CHAMBERLIN,
President Colorado State Realty Association.

Mr. VOLSTEAD. May I ask you if you can secure any flowing wells in that section?

Mr. BROOKS. The streams and artesian wells have been unsatisfactory all around Boulder County. The country around there has been bored for oil for a distance of 25 miles. Those wells have reached a depth ranging from 2,400 feet to 4,000 feet. None of them have struck any flows of water. All around Colorado Springs deep wells have been driven for artesian water, without success. On the other hand, the Agricultural Department is of the opinion that some

of these sand creeks have subterranean sources of water supply. With that in view, I asked Mr. Mead, in charge of the inquiry there, if it were advisable to enact such legislation as is now proposed, and he said he thought it was not only important, but vital.

He made another point which may appeal to some of you gentlemen. He said that where a man would take a 640-acre homestead along one of those dry creeks, he thought it was feasible to sink a well and get enough water in that way to work from 5 to 10 acres. Under such circumstances a man could have his bunch of cattle, and could operate a small dairy, and have his little patch of cultivated ground, and it would make an ideal condition for a homestead. A man could be a grazier, and could also have a little cultivated land, and could raise enough alfalfa to supply his stock and enough produce for his own food. Mr. Mead is very enthusiastic in support of this measure.

Here is a letter from Mr. August Muntzing, local attorney for one of the railroads—the C. and M. Railroad—which circulated this petition. He lives at Akron, Colo. He says:

AKRON, COLO., December 5, 1904.

DEAR SIR: I am requested and urged by our people to write you this letter, entreating you to do all in your power to get the additional homestead bill passed, whereby settlers in Colorado may acquire 640 acres of the public domain, or enough additional to what they may have already entered to make one section.

This law will prove a great boon to our people, because 160 acres they now have in the arid districts of Colorado is not enough land to make a living from by exclusive farming, while the adjacent Government land is monopolized by large range herds that constantly menace the humble but bona fide settlers, and also keep out intending settlers.

No measure ever contemplated could do our people in the eastern half of Colorado so much good as the passage of such a law. I circulated the petitions for it in this and Washington counties, and not a single person during all the two months I was handling it ever refused to sign it. All our people want it, and its passage will be the making of that large part of Colorado east of the Rocky Mountain Chain.

Please do all in your power for the passage of the bill, and thereby for us, your constituents.

With great respect,

AUGUST MUNTZING,
Local Attorney, B. and M. R. R.

HON. F. E. BROOKS,
Congressman at Large, Washington, D. C.

Now, these three communications which I have read are only types of a very large number. Here is a telegram from Cheyenne County, where the large sheep raisers are:

[Telegram.]

CHEYENNE WELLS, COLO., January 30, 1905.

HON. FRANKLIN BROOKS,
Member of Congress, Washington, D. C.:

The people of Cheyenne County, Colo., unanimously in favor of your homestead bill.
J. F. JONES, County Judge.

Then, here is another telegram from Sugar City, Colo., dated January 31:

[Telegram.]

SUGAR CITY, COLO., January 31, 1905.

HON. FRANKLIN E. BROOKS,
Member of Congress, Washington, D. C.:

Citizens in this vicinity request passage of your homestead bill.

W. F. TARBOX, Chairman.

I could multiply these, and, with permission of the chairman, I will put them into the record; some of them, at least, certain selected ones. A man from my own county wrote me—I have not the letter at hand with me here—stating that while there are some 2,000 acres of public land there now, in a year's time there would not be a strip of it left. That is the country where, I say, in the last five years to my knowledge, a number of the voting precincts have lost half of their population.

Now, just to recapitulate briefly: This area is homogeneous in character. It is all undulating plain, comparatively little broken by mountains. It is all within the 14-inch rain belt. It has all been opened to settlement practically for forty years. It is traversed by these trunk lines of east and west railroads, and also by a north and south system of railroads. In spite of the fact that it has been exploited very thoroughly by land agents of every description, there are in that section 500,000 more acres of public land now than there were five years ago, and that acreage comes from abandoned homestead entries, and canceled timber homestead entries, and voluntary withdrawals.

Mr. MONDELL. How much of it is made up of canceled timber entries?

Mr. BROOKS. I could not say just how much, but I should say that out of 7,500,000 acres of unappropriated land I presume 500,000 or 600,000 acres might be abandoned timber.

The divide extends from one hundred and fifth meridian east to pretty nearly the State line. The altitude here [indicating on map] at Palmer Lake is 7,000 feet, and it slopes down to 5,000 feet at the State line. It is an elevated plateau sloping east with a fall of about 2,000 feet. That country has a good deal of small pine. There was an idea before I came to the State that that country was a timber country, and therefore, particularly in Kit Carson and in the southern part of Washington and Yuma counties, there was in the early eighties a movement to take that country up for timber. That was the time when the cities of Colorado were growing very fast.

Mr. MONDELL. You went there at the time, did you?

Mr. BROOKS. No; I got that information from a number of sources.

Mr. MONDELL. As a matter of fact the timber-culture law, before it expired, was used all over the West for the purpose of holding ranges, and the thirteen-year limitation expired about a year ago, throwing a great many thousand acres of timber-culture land back on the hands of the General Government.

Mr. BROOKS. I do not question that statement, but I was not advised of that fact; it was not mentioned to me. I did, however, go into the question of the reason for these abandoned entries. There are more in the Akron district than there are elsewhere.

Mr. MONDELL. Of the 500,000 acres that you say has returned to Federal ownership in the last few years, a very considerable portion of it is expired timber-culture entries?

Mr. BROOKS. Yes; but it is a great deal more, Mr. Mondell, than 500,000 acres. There is probably even a million acres taken up at the same time along the valley, and that has overbalanced, or to some extent made greater, the abandonment. In other words, to equalize both sides of your ledger you have got to set out the abandonments as against the new entries. The abandonments and cancellations have exceeded the entries by more than 500,000 acres, and that is in the face of the development of the beet industry, and the development of the

agricultural interests of the State—their hard wheat, and the arid grass proposition, and so on, which the Interior Department has been developing and urging; so that I think it is fair to say that there has been a very great disposition of late to take all the public land they could. In the last few years there has been a disposition on the part of people to avail themselves of the homestead rights to a very much greater extent than was known in the period before. And even against all these forces, working in the direction of taking up lands, there is still in these four districts 500,000 more acres abandoned than has been taken up. That is a very strong argument.

Mr. MONDELL. What I was endeavoring to learn was how much land in that region has actually been abandoned because the entrymen were unable to sustain themselves on 160 acres each. There have been beet lands that have been used to a very great extent in the West, and those lands have been withdrawn from entry; also the timber-culture lands, which expired fourteen years ago last spring. The last entry was canceled in April—I think some time in April. That was the time of cancellation of the last entry.

Mr. BROOKS. April of last year, 1904?

Mr. MONDELL. I think so. Some time during the summer I had one. That is the only land entry I ever made, except a homestead entry recently. I received my notice, I think, in April. I had forgotten that I had ever made a timber-culture entry. The matter had passed from my mind. You will find from the records that there are millions of acres of land entered under the timber-culture law in the last years that that law was on the statute book, not generally with the idea that timber could be grown there, but for sundry and divers reasons, and in the range country largely for the purpose of controlling ranges, so that the restoration of those lands to the public domain is not an argument on the line on which the gentleman is using it as an argument. I just wanted to suggest that.

Now there is another law, the reservoir law, which is more abused, perhaps, than any other law ever written on the statute books, under which, immediately after it was passed, in some of the counties in the southeastern part of your State and in Kansas and farther south, the entire territory was located, every acre of it, for reservoir sites. Now those lands have been returned to the public domain, two-thirds of them under the regulations of the Land Office. The original filings not having been in accordance with the subsequent regulations, the return of that land, or of that class of land, to the public domain is not an argument demonstrating that people have not been able to sustain themselves there. It is simply a demonstration, on the contrary, that the men who made those filings did so largely, or almost entirely, for the purpose of controlling the range. They did not comply with the provisions of the Land Office regulations, and therefore those filings have been canceled. Now, if the lands in your district belong to those classes, a statement in regard to them such as you make does not support your argument.

Mr. BROOKS. When I gave the census figures to show that in nine of the thirteen counties to which I allude there has been an actual diminution of population of from 30 to 50 per cent, and that in another one the increase has been only 120 persons, and in the remaining districts, to the knowledge of Mr. Bonyne and myself, the increase has been in the towns and not in the counties—

Mr. MONDELL. That is a legitimate argument, certainly.

The CHAIRMAN. Has any considerable area of desert locations been abandoned in the same way?

Mr. BROOKS. No, sir. I want to say, in reply to Mr. Mondell, that I have looked over the reports of the Interior Department with a great deal of care, and I find very few of those reservoir-site entries. I think the gentleman is misadvised. I know there was a scheme in Baca County to take up all that land, but Baca County is the one county that has the most unappropriated land in it to-day.

Mr. MARTIN. Can you give us the data as to what have been the actual homestead filings in this country west of the one hundred and fifth meridian, by years, in the last five years?

Mr. BROOKS. I can supply it. I have it here. You mean the homestead filings or the entries?

Mr. MARTIN. I mean both.

Mr. BROOKS. They have been about 20,000 acres to the district.

Mr. MARTIN. How many districts are there?

Mr. BROOKS. Four districts.

Mr. MARTIN. About 80,000. For about how long a period?

Mr. BROOKS. For five years. There has been a steady diminution in the taking up of that land. I think that is a fair statement.

I want also to qualify what I say with regard to abandoned timber-culture entries. My source of information was pretty accurate about that. Some of that information I got from a man who himself settled in this plain, and he stated that a large number of these timber entries were not taken up for timber purposes. I know personally that there was an idea—and General Palmer, of Colorado Springs, was somewhat responsible for it—that that section of the divide could be forested. Indeed, the Agricultural Department and the Forest Reserve Service is looking after that now. It was thought that that area could be forested, and that it could bring a valuable support to the people. Senator Teller told me of an experience which he had at some time in the early eighties. He had a large tract of land down in the Arkansas Valley, and he went to considerable expense, and kept his men several years working hard to try to get a catch with the trees.

Mr. MONDELL. I have no doubt a great many entries were made in good faith, but others were not.

Mr. BROOKS. In spite of the fact that this area is between the Missouri River and the large hills that run from Cheyenne to Raton—and he knows how prosperous that country is—in spite of the fact that there is a valuable area tributary to that, it has steadily gone back, and the limit of homesteading under the quarter-section homestead bill has been reached, and was reached a good many years ago.

Forty years is a long time in the West, and it is more than forty years since the Greeley colony was founded, and it is more than forty years since the Colorado City colony was founded; and, with the remarkable energy of the people of that State, if this area could not have been homesteaded in a larger degree there certainly must have been some good reason for it. Over 51 per cent of that whole area, to the one hundred and fifth meridian, is still public land. Those are facts which this committee simply must realize.

Now I find another letter before me—this was quite unsolicited, and I do not know the writer, Mr. W. S. Pershing, county surveyor and sales agent of the Union Pacific lands, at Limon, Colo. He says:

LIMON, COLO., January 26, 1906.

HON. FRANKLIN E. BROOKS,
House of Representatives, Washington, D. C.

DEAR SIR: About a week ago I wrote Hon. H. M. Hogg regarding how we felt about your 640-acre homestead bill being all O. K., making suggestions about the commutation clause being cut out, which would put an end to any more fraud being committed by being able to file upon 640 acres rather than the 160-acre tract. I sent you a copy same day on train, with pencil explanation accompanying it. Did you receive same? I received a very nice answer from Hon. H. M. Hogg, and I inclose a copy of same herewith.

You will please pardon me for coming before you in this unasked manner, but it seems the people who ought to be pushing it are too slow and indifferent about the matter, while the opposing parties are at work with great energy putting in protests, etc.

He had referred to these newspaper circulars, of which he cut out two, to which allusion has been made. There has been no opposition to this measure in Colorado except the four parties I spoke of awhile ago. If I wanted to, or if you wanted to, I could call them by name. Then Mr. Pershing continues:

If we, as true citizens of the United States, wish to get the Government land into the hands of actual settlers, and have the land developed rapidly, every homesteader wanting to make an actual residence and home should be allowed to file upon at least 640 acres of the semiarid land of eastern Colorado, for it has been faithfully tried by hard-working, conscientious people to make a living on 160 acres of that eastern Colorado land, and they have found that it will not produce on an aggregate more than one-fourth the amount of the 160-acre tract of eastern Nebraska, eastern Kansas, or the Middle States.

While we believe that new systems of culture and new cereals, better adapted to our altitude and climate, will be eventually discovered, but in the meantime while these experiments are going on the homesteader with small means will have to depend on a few head of stock in connection with his development and raising crops, and any one having lived in eastern Colorado knows only too well that it would be foolishness for even a small family to depend on enough of stock of any kind for a decent, humble living that could be kept on 160 acres the year around.

Some of the very stockmen who are protesting against said bill, when the writer tried to sell them railroad land at from \$1 to \$2 per acre, answered time and again they could not afford to purchase railroad land at even said low price, because if they fenced and kept stock all the year around it took from 20 to 40 acres to the cow or sheep in proportion.

Thirty-seven years ago, when the writer lived in eastern Nebraska, we figured 3 to 5 acres to the cow of native grass, but the homesteader could get 80 or 160 acres, according to location of said land for a homestead and no kick coming; afterwards allowed also a preemption and tree claim, giving a chance to secure three-fourths of a section by partly complying with the law, and a chance to let go to the speculator, while the homesteader of 640 acres, if a five-year residence would be required, would not have the chance of disposing to the speculator, as has been done in the past on claims proved up on in six and fourteen months' partial residence.

The entryman who secures 640 acres of the semiarid land of Colorado would not expect to sell or mortgage for as much as the entryman who secured 160 acres of Eastern land. Then, why are not the homesteaders of to-day as good as of a few years ago that they should not receive as much for a five-year residence as formerly? Wages and living are both higher than ten or twenty years ago, and time is certainly worth as much.

But the bill is going to be strongly opposed by people of the East who do not understand the difference in conditions of the country, and we will have to bring in strong arguments to satisfy them of no more chance for fraud in homesteading a section than a quarter section, and I think the best argument is to insist on a five-year residence without a chance to commute.

Hoping that the homestead bill will speedily become a law, I am,
Respectfully,

W. S. PERSHING.

P. S.—If you can suggest anything that I can do to help along said bill, I will be pleased to hear from you at any time. As Secretary Hitchcock seemed to be opposing, I wrote him also. I herewith inclose you copy of same.

Then here is an item referring to the resolutions of the Wool Growers' Association of Lincoln County:

SHEEPMEN MEET.

The Lincoln County Wool Growers' Association held a special meeting in Hugo Wednesday and discussed the Brooks 640-acre homestead bill. The sentiment of the meeting seemed to be strongly in opposition to the bill, and it is likely a joint meeting with the cattlemen will be arranged in the near future for the purpose of drawing up a petition to be sent to Washington, strongly urging the defeat of the measure. Those present at the meeting were James Will, of Mirage, president; W. Hamp, secretary; Lon E. Foote, A. McIntyre, J. W. Gardner, and L. M. Laurie.

Replying to Mr. Mondell's suggestion, that the abandonments have been largely as timber-culture entries, I would like to state as a matter of personal experience that—

Mr. MONDELL. As reservoir entries. I did not state that as a matter of knowledge. I simply inquired if it were not so.

Mr. BROOKS. During the summer I spent a good many weeks in eastern Colorado, in connection with gathering information concerning this bill, having this bill especially in mind, and among other places I drove from Rockyford, which is right here [indicating on map], across the line to Sugar City. This crosses the Arkansas Valley, which is the garden valley of the State in some ways. There was not one single house between Rockyford and Sugar City.

Mr. BURNETT. What was the distance?

Mr. BROOKS. About 24 miles. I also drove around this country about Hugo. You can drive miles and miles and there are no houses in sight, although it is along the railroad. It is the homesteader who tries to stay there, and who finally has to give up the fight and let his land go to the sheepmen and cattlemen, or let them go for the non-payment of taxes. Mr. Bonyng will recall a man operating in Yuma County. How much is it that Scott has there?

Mr. BONYNGE. Thirty-seven hundred acres.

Mr. BROOKS. Yes. Thirty-seven hundred acres of tax-title land in Yuma County alone.

Mr. BURNETT. The suggestion of that letter is to cut off the commutation right. Does your bill do that?

Mr. BROOKS. You may do that. I was asked to let the commutation clause stay in. But it may be cut out if it is thought advisable to do so.

About 20 per cent of the sale of public lands in the State of Colorado comes from the commutation clause in the homesteads. I have the figures on that.

Mr. MONDELL. Mr. Brooks, you speak of the lack of settlement in those districts near the railroad, and near large towns. Of course, the homestead settler who is located anywhere in that region would have control of a vast amount of range adjacent to it, and therefore he would have the benefit of much more than 640 acres of land; and still, even under those conditions, there has been no considerable settlement. That being the case, is your 640-acre homestead large enough?

Mr. BROOKS. Yes, and for this reason. The reason why to-day all over that country the cattle and sheep men have difficulty to get along with large areas is that the range has been worn down and eaten off to

the point of destruction. Men have told me of the grass growing there 6 inches high in former years, while now it is nothing but the short, stunted Buffalo grass. I have not had a suggestion from any of the people who have written me that 640 acres was not reasonably adequate. I have sent out letters all over the State to the precinct chairmen whose names I could get. I sent out to a selected list furnished by the National Live Stock Association, including 300 or 400 names. I then sent to the stockmen and to a large number of general agriculturists who were on my general mailing list; in all not less than 2,000 letters.

There was one man in Larimer County who said I was working in the interest of the cattlemen. Then there was one man in Denver who said I was in the employ of the Union Pacific Railroad. There was one sheepman and one cattleman, whose names escape me now, who have opposed this measure.

That is the sum total of the opposition in the State in an investigation that has covered nearly a year. I have taken pains to inform the press of the fact that this bill was before the people. I have suggested correspondence in order to get out what the public sentiment was. Within the last ten days—perhaps some of you have noticed it—the Denver Republican printed an editorial calling attention to the proposed amendment limiting the operation of this bill to the region east of the one hundred and fifth meridian, and also calling attention to an amendment cutting out the commutation clause. That editorial, though widely read, did not call forth a protest. My protests all antedated that period.

Mr. DIXON. Was the editorial favorable or unfavorable?

Mr. BROOKS. It was favorable. It called attention to the fact that the national irrigation law would suffer after the commutation clause was cut out. Six thousand one hundred and fifteen dollars was received from commutation entries in those four districts. The total receipts were \$21,000. That was a little over 25 per cent.

I am perfectly willing that this committee shall follow closely the lines of Mr. Martin's bill, and I want every possible safeguard to the actual homesteader availed of which the ingenuity of this committee can devise. That is all I want—that this plan shall have a fair trial in Colorado in the interest of the actual settler on the soil. That is the sole interest I have in this matter.

I have not any extensive knowledge of the public domain or of private agricultural lands of any sort. It does not concern me in any way except so far as it concerns the people of my State. I am very much surprised at the unanimity of the sentiment. I had supposed that there would be a pretty vigorous opposition, but it has not reached my observation. Has it reached yours, Mr. Bonyng?

Mr. BONYNGE. No, sir.

The CHAIRMAN. Now, Mr. Bonyng, we will hear you.

STATEMENT OF HON. ROBERT W. BONYNGE,

Representative from Colorado.

Mr. BONYNGE. Mr. Chairman and gentlemen of the committee, I have listened to such an elaborate argument upon this bill and upon similar bills that I shall not trespass upon your time by going into an extended argument in favor of the bill, but will confine what I have

to say to an indorsement of what has already been said rather than attempt to advance any new arguments in its favor.

My colleague, who has completed his address to you, represents the State at large. I am the Representative from the First district. The south boundary of the First district is what was the old south line of Arapahoe County. The west boundary of the region covered by Mr. Brooks's bill would take in practically most of it. The west boundary, as described by Mr. Brooks in his bill, will take in all of my district except Larimer County, Boulder County, Jefferson County, Park County, and Lake County—five counties in the district that would be west of the one hundred and fifth meridian.

When Mr. Brooks introduced his original bill, applying it to the entire State, I felt that there would be some opposition to making the provisions of the Kinkaid Act, or the 640-acre homestead bill, apply to the western part of the State. I therefore introduced a bill of my own, extending the provisions of the Kinkaid bill to the northeastern portion of the State.

I did not include in it the southeastern portion, not because I did not feel that the same conditions applied or existed in the southeastern portion as in the northeastern portion, but simply because I was not in a position to speak for the people in the southeastern portion of the State.

I believe that all the settlement that can be had in the eastern portion of Colorado under the 160-acre homestead law has been reached. I believe the limit, the possibility of the future development of that section of the State under the 160-acre homestead law has been reached finally. The figures that Mr. Brooks has given to you, showing the loss of population in that portion of the State in the past ten or twenty years and the length of time that the district has been opened to settlement, must convince you, it seems to me, beyond any doubt, that we can not hope to get any further development of that section of the State unless we increase the size of the homestead entries.

There has been no objection raised by anyone in the northeastern portion of the State, so far as I know, to an extension of the provisions of the Kinkaid bill to that portion of the State. I say none. I think, however, on reflection, that I do recall that during the last campaign, while I was traversing that portion of the State, I met one or two people who in a rather careless way objected to the bill, and my recollection is that both of them were large cattlemen. I have also had a large number of letters from the people living in that section, all indorsing the provisions of the bill. I think, when you put the line at the 105th meridian, as Mr. Brooks has done, that while you include some very good agricultural lands, the provision of the bill excluding that which may be irrigated fully protects such portions of the territory from being taken out under the 640-acre homestead law.

Mr. BROOKS. It is true, is it not, in your district, as elsewhere in the State, that almost all the good lands along the foothills have been taken?

Mr. BONYNGE. Yes; practically all have been taken up that can be taken up and used as homesteads under the 160-acre law. All in the irrigated portion, I believe, has been settled upon, and none of this now is unappropriated territory.

I do not believe that there could be found 1 per cent of the people in that section of the country who would object to this bill being adopted. I think the future development of that territory depends in a very large measure upon the passage of this bill—in the northeastern portion particularly. I can not speak so decidedly about the southeastern portion, because many of those counties I have never visited. But there you can travel, I know, 20 or 40 or 50 miles without meeting any sign of habitation.

I presume many of the members of this committee, perhaps, in going out to Denver over the transcontinental lines have seen for themselves that there has been no settlement in that part of the State except where irrigation was possible.

Six hundred and forty acres, I believe, would be sufficiently large to enable a man to maintain himself and his family. And so I desire, as strongly as I may, voicing the sentiment of the people whom I represent, to indorse the bill which has been introduced by Mr. Brooks, and as amended by him, including the western portion of the State. And I simply add my indorsement to it, and thank the committee for the attention they have given to the consideration of this bill, which I believe is the most important bill before Congress, benefitting the people of that territory.

The CHAIRMAN. Are there any other gentlemen who wish to be heard concerning the bill?

STATEMENT OF HON. HERSCHEL M. HOGG,

Representative from Colorado.

Mr. HOGG. Mr. Chairman and gentlemen, I got in rather late and have not paid as much attention to this matter as perhaps I should have. I had intended to object to Mr. Brooks's bill as it was originally drawn, because I am quite certain that in the western portion of the State we do not want any such law. There are large areas in that part of the State unoccupied, but the conditions are totally different from what they are east of the range. How this line as it is drawn may affect the timber reserve there I do not know. Is there any timber east of your line—green line?

Mr. BROOKS. The Pikes Peak Forest Reserve comes down 2 or 3 miles.

Mr. HOGG. I think all timber lands are to be eliminated from the operation of this act.

Mr. BROOKS. From the operation of the law, yes.

Mr. MARTIN. If you will pardon me for interrupting, in hastily looking over the bill I did not see that you have included the provision that I have in my bill as to the exclusion of the forest reserves.

Mr. BROOKS. It should be. Your bill was copied verbatim, except the heading and one or two pencil interlineations.

Mr. HOGG. I would like, Mr. Brooks, to understand what you mean by irrigation by gravity.

Mr. BROOKS. That is out of this bill. No system of irrigation, feasible irrigation, either national irrigation or irrigation by individual effort.

Mr. HOGG. I am not aware of how many head of cattle can be grazed on 640 acres of land. I should judge about 30 to 50. Is not that correct, Mr. Brooks? Have you any estimate of the number of cattle that can be grazed on 640 acres?

Mr. BROOKS. Fifty or 60 head.

Mr. HOGG. The people of that section of the State——

Mr. BROOKS. You mean the eastern part?

Mr. HOGG. Yes—are anxious for the passage of this bill, and for that reason I would join Mr. Brooks in urging the passage of it here. At first I had grave doubts about it, but I now find that the people are almost entirely unanimous for it. My own private opinion is that they will find 640 acres are not enough. I would make it four sections if I had my way about it. Charges have been made that under the homestead act, providing 160 acres as the farm unit, these cattle owners have taken up large areas of land, and perhaps if a homestead were made 640 acres it would be four times as easy to get land.

I have not studied this bill very closely, and I do not know whether it contains a provision to compel actual residence on the homestead for five years; but if it does not, I think it ought to compel such residence. With such a provision I think it would be a good measure.

I think also it would be a wise thing to extend the provisions of the Kinkaid bill to the western portion of the State. West of the range it is much more capable of irrigation than east of the range. We have more water there, more water courses; and the pasture lands are better for grazing purposes than east of the range.

As I have been living a number of years west of the range, I certainly object to the extension of the provisions of the act west of the range. But east of the range entirely different conditions exist, and I think the bill ought to be passed.

Mr. BONYNGE. If Mr. Brooks's bill, as amended, receives the indorsement of this committee, of course I shall not ask the committee to consider mine at all.

The CHAIRMAN. I have one suggestion to make in connection with these hearings before we pass to other matters pending before the committee. Shall we have these hearings printed? All in favor say "aye," contrary, "no." The ayes have it.

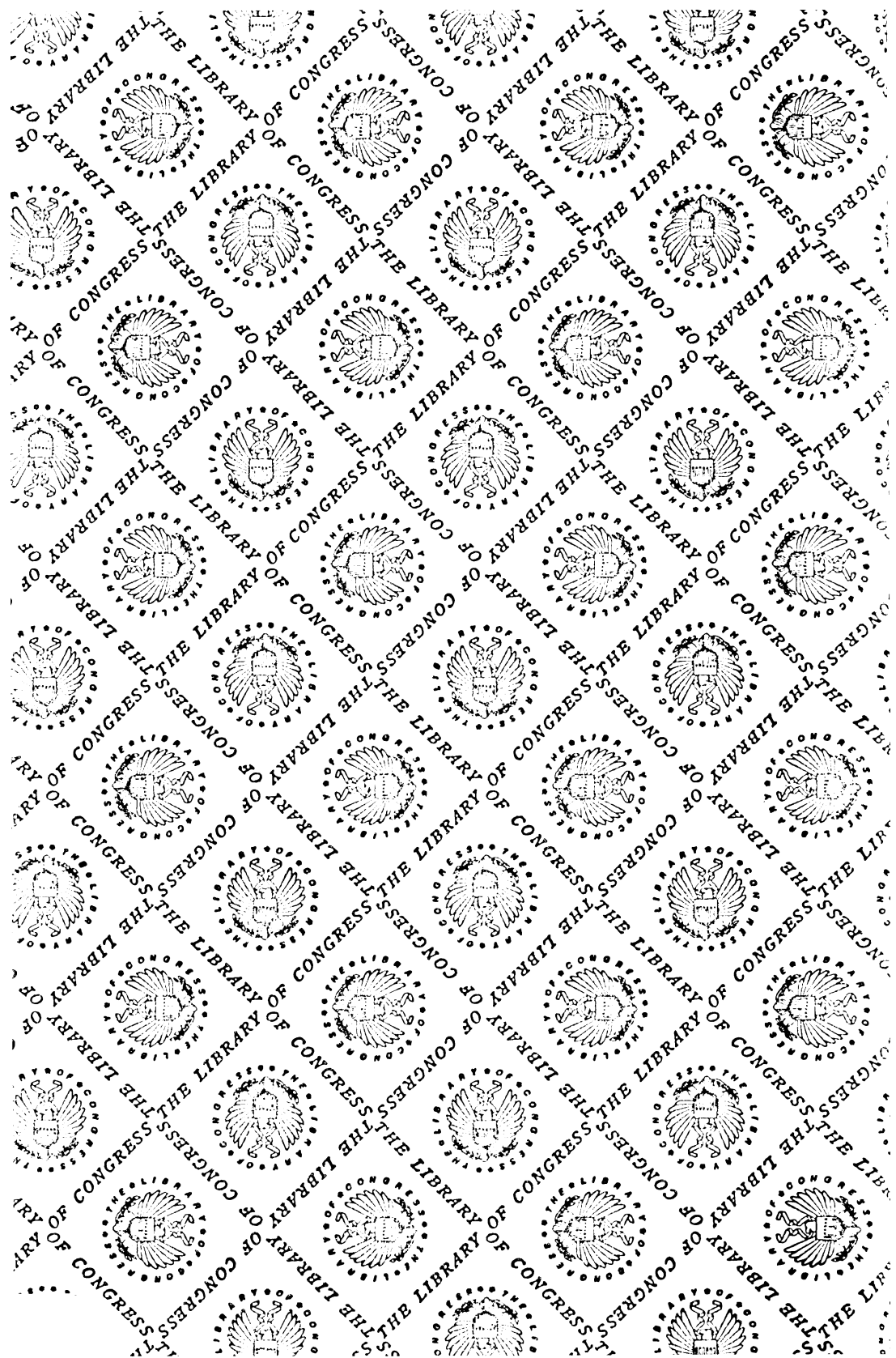
Mr. DIXON. What is the usual number printed?

The CHAIRMAN. Five thousand.

Mr. DIXON. I want 5,000 for my State alone.

Thereupon, at 11.55 o'clock a. m., the hearings were concluded, and the committee proceeded to the transaction of other business.

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